

AGENDA

APPOINTMENTS COMMITTEE MEETING

Date: Tuesday, 10 January 2017

Time: 7.00 pm

Venue: Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT

Membership:

Councillors Mike Baldock, Bowles, Mike Cosgrove, Harrison, Alan Horton, Gerry Lewin and David Simmons

Quorum = 3

Pages

1. Emergency Evacuation Procedure

The Chairman will advise the meeting of the evacuation procedures to follow in the event of an emergency. This is particularly important for visitors and members of the public who will be unfamiliar with the building and procedures.

The Chairman will inform the meeting whether there is a planned evacuation drill due to take place, what the alarm sounds like (i.e. ringing bells), where the closest emergency exit route is, and where the second closest emergency exit route is, in the event that the closest exit or route is blocked.

The Chairman will inform the meeting that:

(a) in the event of the alarm sounding, everybody must leave the building via the nearest safe available exit and gather at the Assembly points at the far side of the Car Park; and

(b) the lifts must not be used in the event of an evacuation.

Any officers present at the meeting will aid with the evacuation.

It is important that the Chairman is informed of any person attending who is disabled or unable to use the stairs, so that suitable arrangements may be made in the event of an emergency.

2. Apologies for Absence and Confirmation of Substitutes

3. Minutes

To approve the Minutes of the Appointments Committee Meeting held on 27 April 2010 (Minute Nos. 908 - 912) as a correct record.

4. Declarations of Interest

Councillors should not act or take decisions in order to gain financial or other material benefits for themselves or their spouse, civil partner or person with whom they are living with as a spouse or civil partner. They must declare and resolve any interests and relationships.

The Chairman will ask Members if they have any interests to declare in respect of items on this agenda, under the following headings:

(a) Disclosable Pecuniary Interests (DPI) under the Localism Act 2011. The nature as well as the existence of any such interest must be declared. After declaring a DPI, the Member must leave the meeting and not take part in the discussion or vote. This applies even if there is provision for public speaking.

(b) Disclosable Non Pecuniary (DNPI) under the Code of Conduct adopted by the Council in May 2012. The nature as well as the existence of any such interest must be declared. After declaring a DNPI interest, the Member may stay, speak and vote on the matter.

(c) Where it is possible that a fair-minded and informed observer, having considered the facts would conclude that there was a real possibility that the Member might be predetermined or biased the Member should declare their predetermination or bias and then leave the room while that item is considered.

Advice to Members: If any Councillor has any doubt about the existence or nature of any DPI or DNPI which he/she may have in any item on this agenda, he/she should seek advice from the Director of Corporate Services as Monitoring Officer, the Head of Legal or from other Solicitors in Legal Services as early as possible, and in advance of the Meeting.

Part A - Reports for recommendation to Council

5. Interim Management Arrangements (Report to follow)

Issued on Wednesday 21 December 2016

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact DEMOCRATIC SERVICES on 01795 417330**. To find out more about the work of the Cabinet, please visit www.swale.gov.uk

Appointments Sub-Committee Meeting		Agenda Item: 5
Meeting Date	10 January 2017	
Report Title	Interim Management Arrangements: Appointment of Interim Chief Executive/Head of Paid Service, Returning Officer and Electoral Registration Officer	
Cabinet Member	Cllr Bowles, Leader	
SMT Lead	Abdool Kara, Chief Executive	
Head of Service	Not Applicable	
Lead Officer	Not Applicable	
Key Decision	No - the Sub Committee will make recommendations to Council for consideration at the meeting on 25 January	
Classification	Open	
Forward Plan	Reference number:	
Recommendations	<ol style="list-style-type: none"> 1. That the Council does not appoint a permanent Chief Executive/Head of Paid Service at this time. 2. That the Council appoint an Interim Chief Executive/ Head of Paid Service, initially for the period 1 February 2017 to 30 September 2018. 3. That the current Director of Corporate Services be seconded into this role, payable at the bottom point of salary scale 14. 4. That the Interim Chief Executive/Head of Paid Service be appointed as the Returning Officer and the Electoral Services Officer, initially for the period 1 February 2017 to 30 September 2018. 5. To note the minor structural changes required as a consequence of these proposals. 6. That the appropriate revisions are made to amend and update the scheme of delegations to officers, including proper and authorised officers and designated posts in the Constitution, as appropriate. 	

1 Purpose of Report and Executive Summary

- 1.1 This report proposes the appointment of key senior posts for the Council further to the resignation of the Chief Executive.

- 1.2 It recommends that the Council makes an internal appointment to the post of Interim Chief Executive/Head of Paid Service for a period of 20 months, and also makes recommendations on the appointments to the Electoral Registration and Returning Officer roles.
- 1.3 These recommendations are made in the light of the priorities within the adopted Corporate Plan, and the current operating environment for local government.

2 Background

- 2.1 The Council has set out its vision for Swale in the Corporate Plan to 2018, under three main priority themes: a borough to be proud of, a community to be proud of and a council to be proud of. The Plan ensures that resources are allocated to achieve these priorities in a coherent, accountable and effective way.
- 2.2 The Plan acknowledged the fast pace of change, and the likely continuation of the period of austerity for the public sector. This means that the Council needs to continue to be responsive and flexible, and have in place a structure designed to support members in achieving their corporate plan objectives, building on the progress that has been made in recent years.
- 2.3 Given the current position, it is particularly important that momentum is maintained, and the approach remains one of continuity and consistency going forward, whilst maintaining stability.
- 2.4 Notwithstanding the announcement of the resignation of the Chief Executive, the recent Peer Review reflected well on the arrangements of the Council, and the senior management structure of the authority remains fit for purpose. Given this, the 'currency' of the management structure, and the need to maintain stability and momentum, it would not be appropriate at this stage to undertake any major structural review.
- 2.5 However, some adjustments will likely be necessary once a decision has been made on how to fill the Chief Executive vacancy. In doing so, there are a number of key issues that need to be addressed, including not only clarity around the statutory office holders, but also the delivery of major regeneration projects, the medium term financial health of the authority, supporting sustainable development, providing value for money services, and continuing to work collaboratively (whether that be directly or as part of the devolution agenda).
- 2.6 These factors combined suggest that it would be prudent to take a period of time to reflect on the wider strategic picture facing district authorities, and that in the meantime an internal appointment be made to maintain the current progress of the Council.

3 Proposals

- 3.1 It is proposed that the Director of Corporate Services be seconded into the Chief Executive/ Head of Paid Service role, initially for the period from 1 February 2017 to 30 September 2018. The post-holder will agree the responsibilities dependent on the interim arrangements put in place to cover his substantive role, as explained further below.
- 3.2 In making the proposal it has been identified that the individual has significant senior management experience within Swale BC, has covered on occasions in the past the substantive elements of the Chief Executive role, and has a wide managerial background, including in property and transformation.
- 3.3 As a result of the proposal, it is necessary to consider what is required by way of backfilling. The new Chief Executive will wish to consider this, and this may mean that the Director of Corporates Services role will not be permanently back-filled for the duration of the secondment, but will remain on the establishment for the post-holder to return to, subject to future decisions on structure, recruitment and selection, and the fluid operating environment within local government.
- 3.4 Arrangements will need to be put in place to cover the following, and this will be subject to ongoing discussion of the proposed new post-holder with the Leader and the current Chief Executive prior to his departure:
- (i) the 'client-side' role for shared services, including environmental health;
 - (ii) the line-management responsibilities for the finance, property, democratic services (including electoral registration and elections), licensing, environmental health, and emergency planning functions;
 - (iii) the role of Monitoring Officer; and
 - (iv) the existing line management responsibilities of the current Chief Executive.
- 3.5 In respect of the client-side role for shared services, it is proposed to transfer this to the Head of Finance.
- 3.6 In relation to (ii), it is proposed under delegated authority:
- (a) to continue to have the Chief Finance Officer, the Democratic and Electoral Services Manager, and the Resilience Manager report to the new Chief Executive; and
 - (b) that the line management of (i) the property function be transferred during the interim period to the Head of Finance, and (ii) the licensing function be transferred during the interim period to the Head of Commissioning and Customer Contact.
- 3.7 In relation to (iii) the Council is required by law to appoint a Monitoring Officer. The current Monitoring Officer (the Director of Corporate Services) was appointed by the Head of Paid Service, as is the process required constitutionally.

- 3.8 The Monitoring Officer has a number of statutory duties and responsibilities relating to the Council's Constitution and the arrangements for effective governance. These duties include maintaining the Constitution, ensuring that no decision or omission of the Council is likely to give rise to illegality or maladministration, and promoting high standards of conduct. The new Chief Executive will bring forward proposals for the appointment of the Monitoring Officer role in due course.
- 3.9 It is proposed that the existing line management responsibilities of the Chief Executive be maintained until the Head of Commissioning and Customer Services leaves the authority in late March/early April. A further review will be undertaken at that point.
- 3.10 The table at Appendix I summarises the initial suggested line management responsibilities.
- 3.11 In addition to the role of Interim Chief Executive/Head of Paid Service, under sections 35 and 8 of the Representation of the People Act 1983 the Council is required to appoint an officer of the Council to be the Returning Officer and the Electoral Registration Officer. Traditionally at Swale this has been the Chief Executive. Therefore, given the proposals in this report, it is suggested that the Interim Chief Executive/Head of Paid Service is also appointed as the Returning Officer and Electoral Registration Officer for the period from 1 February 2017 to 30 September 2018.

4 Alternative Options

- 4.1 The background to the report sets out why proceeding with a permanent recruitment is not the favoured immediate objective: the Council is at a critical point in its corporate plan delivery, with many of the key priorities being at an advanced stage, so it is essential that momentum is not lost through the inevitable uncertainty and delay created by an external recruitment process, typically around six months plus 'settling in' time.
- 4.2 Equally, it is important that the officer cadre has a recognised leader with the necessary authority to continue the progress made. The recent results of the staff survey indicate that the morale across the organisation is good and that staff are positive and committed, which can clearly be attributed to the leadership shown by the wider Senior Management Team. It is considered important not to disrupt this at this stage, as both a period of uncertainty or awaiting an external appointment can impact significantly on morale.

5 Consultation Undertaken or Proposed

- 5.1 The Chief Executive has undertaken informal consultation with Cabinet and with the senior management team in formulating the proposed way forward.

5.2 The proposals also take into account discussions between the Leader, Chief Executive and other Group Leaders on 19 October.

6 Implications

Issue	Implications
Corporate Plan	The background to the report sets out the importance of putting in place these arrangements if the Council is to achieve its corporate plan objectives.
Financial, Resource and Property	The Chief Executive post is fully budgeted for. There will be an initial saving on salary of £21,735 as the new appointment will be on the bottom of the current salary scale. In addition, depending on backfilling arrangements, there may be other savings.
Legal and Statutory	The appointments of a Chief Executive/ Head of Paid Service/ Electoral Registration Officer and Returning Officer are Council appointments, and recommendations from this Sub-Committee will go forward for consideration at the January Council meeting.
Crime and Disorder	Not applicable to this report.
Sustainability	Not applicable to this report.
Health and Wellbeing	Not applicable to this report.
Risk Management and Health and Safety	The risks associated with this approach have been identified at section 4. It is important that momentum and continuity are maintained at this critical time.
Equality and Diversity	Not applicable to this report.

7 Appendices

7.1 The following documents are to be published with this report and form part of the report:

- Appendix I: Summary of initial line management arrangements

8 Background Papers

8.1 None.

Summary of initial line management arrangements

Role	Current	Proposed
Chief Executive	<ul style="list-style-type: none"> ▪ Commissioning and Customer Contact ▪ Policy and Performance 	<ul style="list-style-type: none"> ▪ Commissioning and Customer Contact ▪ Policy and Performance ▪ Finance ▪ Democratic and Electoral Services ▪ Emergency Planning and Business Continuity
Interim Director of Regeneration	<ul style="list-style-type: none"> ▪ Economy and Communities ▪ Resident Services ▪ Development Services ▪ Communications 	<ul style="list-style-type: none"> ▪ No changes proposed at this stage
Head of Finance (backfilling part of Director of Corporate Services role)	<ul style="list-style-type: none"> ▪ Finance Team 	<ul style="list-style-type: none"> ▪ Finance Team ▪ Client side of shared services ▪ Property
Head of Commissioning and Customer Contact (back filling part of Director of Corporate Services role) - these arrangements to be reviewed once the current Head of Service departs.	<ul style="list-style-type: none"> ▪ Customer Service Centre ▪ Commissioning and Open Spaces ▪ Contracts and Procurement 	<ul style="list-style-type: none"> ▪ Customer Service Centre ▪ Commissioning and Open Spaces ▪ Contracts and Procurement ▪ Licensing