



Northumberland County Council

COUNTY COUNCIL

2nd November 2022

Appointment of the Preferred Candidate for the Position of Head of Paid Service, Chief Executive & Returning Officer

Report of the Interim Chief Executive and Head of Paid Service

Purpose of the Report

The purpose of this report is to advise Council that due to the timings of the recruitment process for the Head of Paid Service & Chief Executive, it is not possible to submit a full report for consideration by Full Council with the agenda papers for the meeting.

The agenda papers for the StAC to be held on Wednesday 2nd November 2022 have been published and are available on the Council's website, if Members wish to view them beforehand.

Recommendations

Full Council is asked the following;

1. To approve the recommendations from the Staffing and Appointments Committee which is due to be held on the 2nd November 2022.

Links to the Corporate Plan

This report is relevant to all areas of the Corporate Plan as it relates to ensuring that the Council is compliant with the constitution and fulfilling its legal duties and requirements to ensure that there is an effective and fit for purpose staffing establishment.

In line with Section 4 of the Local Government & Housing Act 1989, Northumberland County Council must ensure that it fulfils its duty to designate one of its officers as its Head of Paid Service.

The Head of Paid Service is required to report to the Council as appropriate about the way in which the overall discharge by the Council of its different functions is coordinated; the number and grades of staff required for the discharge of these functions; the way in which these people are organised and managed; and the way in which they are appointed.

This reporting process ensures that the Council is managed and governed in line with legislation and the structure of accountability is clearly set out transparently.

This report places additional emphasis on the areas that the administration is seeking to strengthen in line with its priorities. Features of this include growth, tackling health inequalities and strategic oversight of important programmes such as climate change, service reviews and efficiency plans, along with a strategic review of the Council's property and asset portfolios.

Background

Issues for Consideration

1. The Council's Staff and Appointments Committee is due to sit and receive the report of the Interim Chief Executive regarding Appointment of the Preferred Candidate for the Position of Head of Paid Service, Chief Executive and Returning Officer on 2nd November 2022.
2. In light of this, the resolutions and recommendations required of the StAC are not available for inclusion within the agenda papers for the Full Council and will be distributed electronically as soon as practicable following the closure of the Staff and Appointments Committee on Wednesday 2nd November 2022. However, the papers for the StAC scheduled to be held on Wednesday 2nd November 2022 have been published and are available on the Council's website, if Members wish to view them beforehand.

Statutory Obligations and Pay Policy

There are certain statutory appointments which must be made. The Local Government and Housing Act 1989 section 4 requires that the Council designate one of its officers as Head of the Paid Service (usually the Chief Executive) who is responsible for preparing reports on the way the local authority's staff is organised, on the authority's staffing needs and on the coordination of the way in which the authority's functions are discharged.

In addition, by section 38 of the Localism Act 2011 the Council is required to produce a Pay Policy each financial year. Approval of the Pay Policy is a matter for full Council and cannot be delegated. The Council's current Pay Policy is 2022/2023 and sets out details, amongst other things, of the payment to chief officers.

The Staff & Appointments Committee is therefore required to consider and approve the appointments of the Head of Paid Service and Chief Executive on a salary of £199k in line with the Councils agreed Pay Policy 2022/23 as follows,

“Notwithstanding any other requirement of the Constitution, any appointment within the Council that attracts a salary package of £100,000 or more will be considered and approved by the Staff & Appointments Committee. Salary package in this respect includes salary and any other fees, allowances, bonuses and benefits in kind that the post holder would routinely be entitled to”.

In addition, one of the three roles of the Staff & Appointments Committee as set out within its terms of reference in the Councils Constitution is **“To make recommendations to Council on the appointment of the Head of Paid Service”**

Officer Appointment Procedure Rules

The Local Authorities (Standing Orders) (England) Regulations 2001 (as amended) requires that, where a Council is operating a Cabinet and Leader model of governance, before any offer of appointment is made to a Chief or Deputy Chief Officer, the Proper Officer designated for that purpose, notifies the Leader and every member of the Cabinet of the intention to make the appointment, the name, salary and other relevant particulars of the post, and allows the Leader and Cabinet an opportunity to make any substantial or well-founded objections to that appointment, before the appointment is made. These provisions apply irrespective of whether the appointment is made by the full Council, a committee, or by an officer of the Council delegated to do so. The provisions are broadly set out in Part 4.3 of the Northumberland County Council Constitution.

The Proper Officer designated for this purpose is the Chief Executive/Head of Paid Service. Accordingly, the Council's current interim Chief Executive and Head of Paid Service will discharge the legal functions as required under the Officer Appointment Procedure Rules.

Implications:

Policy	Oversight of HR Policies and Procedure
Finance and value for money	A permanent appointment is deemed to be appropriate in relation to finance and value for money and it is a statutory requirement that the Council has a Head of Paid Service in situ. The cost of the appointment can be met from existing budgets.
Legal	The Local Government and Housing Act 1989 section 4 requires that the Council designate one of its officers as Head of the Paid Service. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 confirm that the matters within this report are not functions reserved to full Council.

	Other relevant legal implications have been set out in the body of this report.
Procurement	Agreed via procurement process to commission Penna PLC to support the recruitment and assessment process.
Human Resources	The appointment has been made in line with appropriate employment recruitment processes. levant legal implications have been set out in the body of this report.
Property	N/A
Equalities (Impact Assessment attached) Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	The recruitment for this process has been in line with best practice in relation to promoting equality and diversity within the Council's recruitment processes.
Risk Assessment	Consistent with Independent Corporate Governance Review (Caller Report)
Crime & Disorder	N/A
Customer Consideration	N/A
Carbon reduction	N/A
Health and Wellbeing	The recommendations will support the health and wellbeing of Council Employees at varying levels within the organisation
Wards	The recommendations not related to any particular ward but cover the whole of Northumberland.

Background information

- 20th of September 2022 Staff and Appointments report prepared by the Interim Director of HR/OD - providing further details of the proposed recruitment process.

Linked Reports already published

Staff & Appointment Committee 15th August 2022

- Proposed Appointment Process - Head Of Paid Service, Chief Executive & Returning Officer
- Proposed Appointment Process - Director of Law & Governance
- Interim Head of Paid Service & Chief Executive Contract of Employment
- Extension of Interim Senior Structure Arrangements

Staff & Appointment Committee 20th September 2022

- Appraisal Process for the Chief Executive and Chief Officers
- Revised Executive Management Structure

Report sign off.

Authors must ensure that officers and members have agreed the content of the report:

	Full Name of Officer
Monitoring Officer / Interim Director of Governance	Suki Binjal
Executive Director of Finance & S151 Officer	Jan Willis
Interim Chief Executive	Rick O'Farrell in conjunction with the Interim Service Director for HR/OD
Portfolio Holder(s)	Staff & Appointment Committee

Authors and Contact Details

Rick O'Farrell – Interim Chief Executive and Head of Paid Service
Leanne Furnell – Interim Service Director HR/OD