



# Council

8 December 2008

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## ACTING JOINT CHIEF EXECUTIVE – APPOINTMENTS, ETC.

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(Report of the Head of Legal, Democratic & Property Services)

### 1. Purpose of Report

To seek authority to enter into a secondment agreement for an Acting Joint Chief Executive.

### 2. Recommendations

**The Committee is asked to RESOLVE that authority be delegated to the Head of Legal, Democratic & Property Services, in consultation with the Leader of the Council, to agree the terms of and enter into a secondment agreement with Bromsgrove District Council for the secondment of Kevin Dicks to Redditch Borough Council to enable him to perform the role of Acting Joint Chief Executive.**

### 3. Financial, Legal, Policy and Risk Implications

#### Financial

- 3.1 At its meeting on the 30th of June 2008, the Council resolved to share the full costs of the post of Joint Chief Executive. A draft Secondment Agreement has been prepared that reflects this arrangement.

#### Legal

- 3.2 Under Section 113 of the Local Government Act 1972, a local authority may enter into an agreement with another local authority for the secondment of officers to the latter. Any such seconded officer is treated for the purposes of the discharge of local authorities' functions as an officer of that other local authority.
- 3.3 Under Section 4 of the Local Government and Housing Act 1989, the Council is under a duty to designate one of its Officers as the Head of its Paid Service. The formal secondment agreement needs to be in place to enable Kevin Dicks to be appointed to perform the functions of the Head of Paid Service.

## Policy

- 3.4 There are no direct policy implications arising out of this report.

## Risk

- 3.5 If the terms of the formal secondment agreement are not agreed and the secondment agreement entered into by the Council, the Council will not be able to appoint Kevin Dicks to be its Head of Paid Service.
- 3.6 If the formal agreement is not entered into, there is also a risk that, if a dispute were to arise between Redditch Borough Council and Bromsgrove District Council about the terms of the secondment agreement, there would be no clarity between the parties of the detailed terms of the secondment agreement.

## Report

### **4. Background**

- 4.1 At the Council meeting on the 30th of June 2008, the Council resolved to appoint an Acting Joint Chief Executive for the Redditch Borough and Bromsgrove District Councils for a period of 12 months.

### **5. Key Issues**

- 5.1 At its meeting on the 30th of June 2008, the Council resolved to appoint Kevin Dicks to be the Acting Joint Chief Executive for Redditch Borough and Bromsgrove District Councils. In order for the role to be performed, there is a need to enter into a formal secondment arrangement with Bromsgrove District Council as the relevant employer.
- 5.2 At the Council meeting of 15 September 2008, authority was delegated to the Head of Legal, Democratic & Property Services, in consultation with the Leaders of all groups on the Council, to agree the terms of and enter into the required secondment agreement. It has not been possible to obtain the agreement of all Group Leaders to the proposed terms of the secondment agreement and Council is therefore asked to delegate the authority to conclude the agreement to the Head of Legal, Democratic & Property Services, in consultation with the Leader only.

## 6. Other Implications

- Asset Management - None identified.
- Community Safety - None identified.
- Human Resources - Kevin Dicks will continue to be employed by Bromsgrove District Council but will be seconded to Redditch Borough Council to the extent necessary to enable him to perform the Acting Joint Chief Executive role.
- Social Exclusion - None identified.
- Sustainability - None identified.

## 7. Conclusion

- 7.1 A formal secondment agreement is required for the appointment of an Acting Joint Chief Executive to enable the Council to comply with its statutory obligations

## 8. Background Papers

Confidential Council reports and confidential internal files.

## 9. Consultation

There has been no consultation other than with relevant Borough Council Officers.

## 10. Author of Report

The author of this report is Sue Mullins (Head of Legal, Democratic & Property Services & Monitoring Officer), who can be contacted on extension 3210 (email: [sue.mullins@redditchbc.gov.uk](mailto:sue.mullins@redditchbc.gov.uk)) for more information.

## 11. Appendices

None.