



15 September 2008

Council

JOINT CHIEF EXECUTIVE – APPOINTMENTS, ETC.

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

1. Purpose of Report

To make appointments to various Council functions required as a result of the departure of Chris Smith and the appointment of a Joint Chief Executive

2. Recommendation

The Council is asked to RESOLVE that

1. 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;
- 2) subject to the signing of the secondment agreement referred to at 1) above, Kevin Dicks, Acting Joint Chief Executive, be appointed as the Council's Head of Paid Service for the duration of his secondment to Redditch Borough Council;
- 3) all references in the Council's Constitution to the "Borough Director" be construed as referring to the Acting Joint Chief Executive;
- 4) Sue Hanley, Deputy Borough Director, be re-titled as Acting Deputy Chief Executive and appointed as the Council's Returning Officer;
- 5) Sue Hanley be appointed as the Council's Electoral Registration Officer; and
- 6) authority be delegated to the Council's Monitoring Officer, in consultation with the Leader of the Council, to determine appropriate arrangements to resolve any issue that may arise from a conflict of interest during the arrangements for the Acting Joint Chief Executive in respect of matters that relate to Redditch Borough Council.

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 that has been prepared reflects this arrangement. Further information in relation to the secondment agreement is set out in paragraph 1.1 of confidential Appendix 1.

Legal

- 3.2 Appendix 1 to this report is exempt in accordance with S.100 I of the Local Government Act 1972 as it contains information relating to the financial affairs of a particular person and information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. For these reasons it is felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 3.3 The statutory basis for the action proposed is also mentioned at appropriate points in the report.

Policy

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

Risk

- 3.5 There are risks to the proper administration of the Council, the Registration of Electors and the conduct of Elections, if appropriate appointments are not made / associated recommended procedures are not in place.

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.
- 4.2 The previous Borough Director, Chris Smith, left the authority on the 7th of September 2008.

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 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. Following the departure of Chris Smith, the Council needs to appoint an Officer to fulfil this role. Under Section 113 of the Local Government Act 1972, any staff seconded from one authority to another authority are treated for all purposes, except those of superannuation, as an Officer of the authority to which they are seconded. Accordingly, when the formal secondment is made, Kevin Dicks can perform the role of Head of Paid Service.
- 5.3 Section 35 of the Representation of the People Act 1983 requires the Council to appoint an Officer to be the Returning Officer for district and parish council elections.
- 5.4 Given the potential for the Acting Joint Chief Executive to be subject to a conflict of interest, it has been necessary for both Councils to determine a process for managing any occasion such a conflict arises. Council is therefore requested to delegate the power to the Monitoring Officer, in consultation with the Leader, to determine, within the context of the issue, the most appropriate Officer to act should the circumstances apply.

6. Other Implications

- 6.1 Asset Management - None identified.
- 6.2 Community Safety - None identified.
- 6.3 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.
- 6.4 Social Exclusion - None identified.
- 6.5 Sustainability - None identified.

7. **Conclusion**

Various appointments are required as a consequence of the departure of the previous Borough Director and 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) for more information.

11. **Appendices**

Appendix 1 - Further Information in relation to
Secondment Agreement

