

READING BOROUGH COUNCIL
REPORT BY MONITORING OFFICER

TO:	COUNCIL		
DATE:	28 MARCH 2017	AGENDA ITEM:	9
TITLE:	APPOINTMENT OF CHIEF EXECUTIVE - HEAD OF PAID SERVICE		
LEAD COUNCILLOR:	JO LOVELOCK	PORTFOLIO:	LEADERSHIP
SERVICE:	ALL	WARDS:	BOROUGH-WIDE
LEAD OFFICER:	CHRIS BROOKS	TEL:	9372602 / 72602
JOB TITLE:	HEAD OF LEGAL & DEMOCRATIC SERVICES	E-MAIL:	Chris.brooks@reading.gov.uk

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 To inform Council about the process followed in appointing to the new post of Chief Executive and Head of Paid Service and to seek approval to the appointment of an identified candidate.

2. RECOMMENDED ACTION:

- 2.1 The Leader will move a motion.

3. POLICY CONTEXT

- 3.1 In accordance with the power of the Council to appoint staff, and to determine the terms and conditions on which they hold office (Section 112 of the Local Government Act 1972), the powers and duties of the Personnel Committee include:

“6(1) Subject to Officer Employment Procedure Rules set out in the Constitution:

- (a) to arrange for the appointment of the [Chief Executive] as the Council’s Head of Paid Service, and make recommendations to Council in this respect.....

- (2) To take any decisions affecting the remuneration, terms and conditions of service of the [Chief Executive].”

3.2 The Officer Employment Procedure Rules referred to above include the following provisions:

"3. Appointment of Chief Officers - Process

3.1 Where the Council wishes to appoint a Chief Officer as defined by statute, and wishes to seek applicants from outside existing officers of the Council, the following procedure will apply:

- (1) the appointment will be co-ordinated and made by the Personnel Committee, or by any other Committee authorised to make the appointment;
- (2) the post will be advertised publicly, to bring it to the attention of people who are qualified to apply for it;
- (3) a job description and person specification will be produced, and sent to all applicants for the job, specifying:
 - (a) the duties of the post
 - (b) the qualifications and qualities being sought by the Council
- (4) the Personnel Committee will either:
 - (a) interview all qualified applicants for the post, or
 - (b) select a short-list of qualified applicants in accordance with the Council's recruitment and selection policy and procedures.
- (5) if no suitably qualified person applies for the post, any re-advertisement will comply with paragraph (3) above."

4. THE PROPOSAL

4.1 The Local Authorities (Standing Orders) (England) Regulations 2001 (SI No. 3384) relate to the appointment, discipline and dismissal of senior staff. These Regulations require authorities to make or modify a number of their standing orders. The Regulations provide that (inter alia) the appointment or dismissal of the head of paid service will require a final decision by the full council. At your meeting on 26th March, 2002 (Minute 86 refers), this Council's Standing Orders were amended to include the following provision:

"Any appointment or dismissal of an officer designated as the Head of the Council's Paid Service, shall be approved by the Full Council before any offer of appointment or notice of dismissal is given to the person concerned."

4.2 The recommendation of the Personnel Committee to appoint the Chief Executive and Head of Paid Service must be brought to the Council, in accordance with the provision set out in 4.1 above.

5. CONTRIBUTION TO STRATEGIC AIMS

- 5.1 The appointment of the Chief Executive and Head of Paid Service is the most senior officer in the Council and will have responsibilities directly related to delivering the Council's strategic aims.

6. COMMUNITY ENGAGEMENT AND INFORMATION

- 6.1 Section 138 of the Local Government and Public Involvement in Health Act 2007 places a duty on local authorities to involve local representatives when carrying out "any of its functions" by providing information, consulting or "involving in another way".
- 6.2 This report is concerned with the appointment of the Chief Executive, in accordance with statutory requirements. There is no requirement for external consultation.

7. EQUALITY IMPACT ASSESSMENT

- 7.1 Under the Equality Act 2010, Section 149, a public authority must, in the exercise of its functions, have due regard to the need to—
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.2 This report is concerned with the appointment of a new Chief Executive and Head of Paid Service. This does not have a differential impact on: racial groups; gender; people with disabilities; people of a particular sexual orientation; people due to their age; people due to their religious belief. As a result, there is no requirement for an equality impact assessment to be undertaken.

8. LEGAL IMPLICATIONS

- 8.1 The appointment of the Chief Executive and Head of Paid Service is a matter reserved to Council and as such is included in Article 4 of the Council's Constitution (see para 4.2.2(g)(i)).
- 8.2 The appointment process for the Chief Executive and Head of Paid Service has been conducted in accordance with the Council's Officer Employment Procedure Rules.

8.3 The Council's Officer Employment Procedure Rules have been produced in accordance with the statutory provisions governing the appointment of the Chief Executive and Head of Paid Service, as required in the Local Authorities (Standing Orders) Regulations 1993, as amended by the Local Authorities (Standing Orders) (England) Regulations 2001; and the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014. Part IV of Schedule 1 to the 2014 Regulations sets out provisions that must be incorporated into the Standing Orders of an authority operating a committee system.

9. FINANCIAL IMPLICATIONS

9.1 The appointment will be made in accordance with the Pay Policy 2017/18 (see agenda item 8).

10. BACKGROUND PAPERS

10.1 Constitution of the Council

10.2 Delegations Register