



SIGNED OFF BY	Acting Head of Paid Service
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TO	Employment Committee
DATE	Wednesday, 2nd September 2020
EXECUTIVE MEMBER	Leader of the Council

KEY DECISION REQUIRED	N
WARDS AFFECTED	(All Wards);

SUBJECT	Interim Chief Executive and Head of Paid Service Arrangements - Autumn 2020
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RECOMMENDATIONS

1. To note the appointment of Katherine Kerswell as the Council's Interim Chief Executive; and
2. To recommend that Katherine Kerswell be appointed as Interim Head of Paid Service for the period up to the appointment of a permanent Chief Executive and Head of Paid Service.

REASONS FOR RECOMMENDATIONS

The Council is legally required to have a Head of Paid Service, which is a position usually held by the Chief Executive. Following John Jory's departure on 31 July 2020, the responsibility has been fulfilled by Mari Roberts-Wood (Director of People). Having recruited Katherine Kerswell as the Interim Chief Executive with effect from 7 September 2020 (as permitted under the constitution) it is recommended that the compliance with the applicable statutory obligations is met by appointing Katherine Kerswell as the Interim Head of Paid Service

Following an appropriate recruitment process, Katherine Kerswell is considered to be the most appropriate candidate for the specified role.

EXECUTIVE SUMMARY

This report sets out the proposed Interim Chief Executive Arrangements for the Council, including the nature and responsibilities of the role, the reasons for the proposed appointment, and the relevant details of the proposed appointment.

Additional supporting information is included in the accompanying exempt report set out in the Part 2 section of this agenda.

The power to appoint statutory officers (in this case the Interim Head of Paid Service responsibility) is reserved to Full Council, and this report therefore recommends the proposed appointment for consideration by Full Council.

The Employment Committee has authority to approve the above recommendation and;

The above recommendation is subject to approval by Full Council.

STATUTORY POWERS

1. Section 4 of Part 1 of the Local Government and Housing Act 1989 requires the Council to designate one of its officers as the Head of Paid Service.
2. Under Section 112 of Part VIII of the Local Government Act 1972 and Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, the appointment of statutory officers is reserved to Full Council.

KEY INFORMATION

3. Additional information is set out in the Part 2 section of this agenda.

LEGAL IMPLICATIONS

4. Procedure Rule 9 of the Council's Constitution (Officer Employment) requires the appointment of the Interim Head of Paid Service is made by Full Council following a recommendation from the Employment Committee.
5. Full Council may only make or approve these appointments where no well-founded objection has been made following notification to all Executive Members of:
 - i. the name of the person concerned;
 - ii. any other particulars relevant to the appointment; and
 - iii. the date by which objections must be made.
6. An Executive Member wishing to make an objection must notify the Leader in sufficient time to enable him to lodge an objection that must be material and well founded on behalf of the Executive to the Proper Officer in writing within 5 working days unless specifically extended.

FINANCIAL IMPLICATIONS

7. Details of the financial implications of the proposed appointment are set out in the accompanying exempt report in the Part 2 section of this agenda.

EQUALITIES IMPLICATIONS

8. The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:
 - Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
 - Advance equality of opportunity between people who share those protected characteristics and people who do not;
 - Foster good relations between people who share those characteristics and people who do not.
9. The three parts of the duty applies to the following protected characteristics: age; disability; gender reassignment; pregnancy/maternity; race; religion/faith; sex and sexual orientation. In addition, marriage and civil partnership status applies to the first part of the duty.
10. The Committee should ensure that it has regard for these duties by considering them through the course of its work. This should include considering:
 - How policy issues impact on different groups within the community, particularly those that share the nine protected characteristics;
 - Whether the impact on particular groups is fair and proportionate;
 - Whether there is equality of access to service and fair representation of all groups within the Borough;
 - Whether any positive opportunities to advance equality of opportunity and/or good relations between people, are being realised.
11. In making its recommendation, the Committee should be confident that the recruitment process has been conducted in accordance with the Council's Public Sector Equality Duty, and that the proposed appointment will support the Council's future compliance with this duty.

COMMUNICATION IMPLICATIONS

12. Given the important role played by the Chief Executive and Head of Paid Service in conducting the business of the Council, it should be ensured that all elected Members, staff, and relevant external partners are advised of the appointment, if confirmed, in a timely manner.
13. Procedure Rule 9 of the Council's Constitution (Officer Employment) requires that the Proper Officer will notify every Member of the Executive of the following regarding the proposed appointment:
 - i. the name of the person concerned;
 - ii. any other particulars relevant to the appointment; and
 - iii. the date by which objections must be made.

RISK MANAGEMENT CONSIDERATIONS

14. The Chief Executive and Head of Paid Service plays an important role in conducting the business of the Council. As such, the Committee should be confident in making its recommendation that the proposed appointee is well qualified for and suited to the role.
15. In the event of no interim Head of Paid Service appointment being made, this would require the responsibilities usually undertaken by the post holder to be undertaken by the current acting interim Head of Paid Service, along with their other existing responsibilities as Director of People. This would also present additional risks to the Council by: (i) placing a potentially excessive requirement upon the acting post holder and (ii) divesting the Interim Chief Executive of key responsibilities as Head of Paid Service.

CONSULTATION

16. The Leader and Executive Members have been consulted regarding the recommendations of this report, and have indicated their support for the proposed appointment.
17. The recruitment process has been conducted with the support of the Council's Head of Organisational Development and its Human Resources Team, and the proposed appointment is considered to comply with the Council's responsibilities as an employer.

POLICY FRAMEWORK

18. The appointment of a suitable candidate as Interim Chief Executive and Interim Head of Paid Service will support the Council's Corporate Plan objective of ensuring that the Council has the right skills to deliver its plan for the Borough.

BACKGROUND PAPERS

19. None