

# **Report of the Interim Head of Human Resources to the meeting of Council to be held on 21 October 2014.**

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## **Subject:**

**Appointment to the post of Interim Chief Executive.**

**Designation of the post of Assistant City Solicitor as Monitoring Officer.**

**Designation of the post of Assistant City Solicitor as Deputy Returning Officer.**

**Delegation of all other proper officer functions of the City Solicitor and/or Monitoring Officer to the Assistant City Solicitor**

## **Summary statement:**

**Council is asked to approve the proposal to appoint Suzan Hemingway, City Solicitor, to the post of Interim Chief Executive on the salary package as detailed in this Report, and in accordance with the Council's Pay Policy Statement.**

**Council is also asked to designate the post of Assistant City Solicitor as Monitoring Officer and Deputy Returning Officer, and to delegate all other proper officer functions of the City Solicitor and/or Monitoring Officer to the Assistant City Solicitor for the term of office of the Interim Chief Executive.**

Matt Burghardt  
Interim Head of Human Resources

## **Portfolio:**

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## **Overview & Scrutiny Area:**



## **1. SUMMARY**

- 1.1 Council is asked to approve the proposal to appoint Suzan Hemingway, City Solicitor, to the position of Interim Chief Executive on the salary package as detailed in this Report, and in accordance with the Council's Pay Policy Statement.
- 1.2 Council is also asked to designate the post of Assistant City Solicitor as Monitoring Officer and Deputy Returning Officer, and delegate all other proper officer functions of the City Solicitor and/or Monitoring Officer to the Assistant City Solicitor for the term of office of the Interim Chief Executive.

## **2. BACKGROUND**

- 2.1 In July 2014, Tony Reeves, Chief Executive, resigned from the Council's employment. Mr Reeves' resignation takes effect on 31 October 2014 and his last working day is 22 October 2014. On 10 September 2014 Staffing Committee met and agreed to appoint to the position of Interim Chief Executive in accordance with the Council's Pay Policy Statement and subject to Council's approval.
- 2.2 The responsibility to appoint to the position of Interim Chief Executive was delegated by Staffing Committee to an Appointment Panel in accordance with the Council's Officer Employment Procedure Rules ("the Rules").
- 2.3 Applications for the position of Interim Chief Executive were sought from substantive members of Council Management Team.
- 2.4 The Appointment Panel met and undertook interviews on 2 October 2014. The Appointment Panel selected Suzan Hemingway, City Solicitor, for appointment to the post of Interim Chief Executive. In accordance with paragraph 2.4 of the Officer Employment Procedure Rules the proper officer was notified of the proposed appointment. In accordance with paragraph 2.5 of the Rules the proper officer advised every member of Executive of the proposed appointment and the timescale during which any objection to the proposed offer could be made to the Leader of Council. No objection was received by the Leader of Council. The Appointment Panel therefore recommends to Council Suzan Hemingway for the post of Interim Chief Executive for approval.
- 2.5 In addition, the Appointment Panel recommends that the Interim Chief Executive be appointed on the salary package as detailed in the Council's Pay Policy Statement 2014/2015. In accordance with Section 4 of that Pay Policy Statement the post of Chief Executive is graded at a salary of £178,476 and appointed pursuant to the Terms and Conditions of Employment of the Joint Negotiating Committee (JNC) for Chief Executives of Local Authorities as amended and supplemented by local agreements and decisions. Other aspects of the remuneration for the post are set out in Appendix A of the Pay Policy Statement. The Council's Pay Policy Statement for 2014/15 is attached to this Report as Appendix 1.



- 2.6 In accordance with Section 7 of the Council's Pay Policy Statement full Council must approve any salary package of £100,000 per annum or more before it is offered in respect of a new appointment.
- 2.7 The Local Government and Housing Act 1989 requires every relevant authority to designate one of its officers as head of the Council's paid service. Pursuant to Article 14 of the Council's constitution the Chief Executive is designated as head of the Council's paid service and the terms and conditions of employment of the Chief Executive include the statutory responsibilities of the head of the paid service.
- 2.8 Pursuant to the Local Authorities (Standing Orders) (England) Regulations 2001 the appointment of the officer designated as the head of the paid service must be approved by the Council. In accordance with paragraph 2.6 of the Rules the Council must approve the appointment of the Chief Executive.
- 2.9 Under Article 14 of the Council's Constitution the Chief Executive is appointed as the Proper Officer for the purposes of fulfilling the duties of the Returning Officer.

### **3. OTHER CONSIDERATIONS**

- 3.1 In accordance with Section 5 of the Local Government and Housing Act 1989 every authority must designate one of their officers as the Monitoring Officer. Under Article 14 of the Council's Constitution the Council designates the post of City Solicitor as Monitoring Officer. In her substantive position as City Solicitor, Suzan Hemingway is the Council's Monitoring Officer. The City Solicitor is also appointed as the proper officer for fulfilling the role of the Deputy Returning Officer. This Report recommends that the post of Assistant City Solicitor, be designated as Monitoring Officer for the term of office of the Interim Chief Executive to enable Suzan Hemingway to immediately take up the position of Interim Chief Executive. This Report also recommends that the post of Assistant City Solicitor also be designated as the proper officer to fulfil the role of Deputy Returning Officer for the term of office of the Interim Chief Executive. In addition this Report recommends that all other proper office functions that are delegated to the City Solicitor and/or Monitoring Officer in the Constitution are delegated to the Assistant City Solicitor for the term of office of the Interim Chief Executive.

### **4. FINANCIAL & RESOURCE APPRAISAL**

- 4.1 In accordance with Section 4 of the Council's Pay Policy Statement 2014/15 the post of Chief Executive is graded on a defined salary of £178,476 and appointed pursuant to the Terms and Conditions of Employment of the Joint Negotiating Committee (JNC) for Chief Executives of Local Authorities as amended and supplemented by local agreements and decisions. Other aspects of the remuneration are set out in Appendix A of the Council's Pay Policy Statement 2014/15.
- 4.2 It is proposed that the salary for the Interim Chief Executive is in line with Section 4.1 above to recognise the responsibilities that this post carries and is in line with other comparable Chief Executive salaries across the region.



4.3 As the post carries a salary level of over £100,000 per annum it is necessary for full Council to approve the salary in accordance with paragraph 7 of the Council's Pay Policy 2014/15.

4.4 There will be financial implications in relation to the City Solicitor and Monitoring Officer duties to be delegated to the Assistant City Solicitor. These will be met from Legal Services' budget.

## **5. RISK MANAGEMENT AND GOVERNANCE ISSUES**

5.1 Governance issues are as detailed in this Report.

## **6. LEGAL APPRAISAL**

6.1 Section 112 of the Local Government Act 1972 allows the Council to appoint such officers that it thinks necessary for the proper discharge by the Authority of its duties. Such officers shall hold office on such reasonable terms and conditions as the Council thinks fit.

6.2 Section 4 of the Local Government and Housing Act 1989 requires every relevant authority to designate one of its officers as head of the Council's paid service. Pursuant to Article 14 of the Council's constitution the Chief Executive is designated as head of the Council's paid service. The terms and conditions of employment of the Chief Executive include the statutory responsibilities of the head of the paid service.

6.3 Pursuant to the Local Authorities (Standing Orders) (England) Regulations 2001 the appointment of the officer designated as the head of the paid service must be approved by the Council. In accordance with paragraph 2.6 of the Council's Officer Employment Procedure Rules the Council must approve the appointment of the Chief Executive.

6.4 Under Article 14 of the Council's Constitution the Chief Executive is appointed as the Proper Officer for the purposes of fulfilling the duties of the Returning Officer.

6.5 In accordance with the Council's published Pay Policy Statement 2014/15 required pursuant to the Localism Act 2011 full Council must approve any salary package of £100,000 per annum or more before it is offered in respect of a new appointment.

6.6 In accordance with Section 5 of the Local Government and Housing Act 1989 every authority must designate one of its officers as the Monitoring Officer.

## **7. OTHER IMPLICATIONS**

### **7.1 EQUALITY & DIVERSITY**



None.

## **7.2 SUSTAINABILITY IMPLICATIONS**

None.

## **7.3 GREENHOUSE GAS EMISSIONS IMPACTS**

None.

## **7.4 COMMUNITY SAFETY IMPLICATIONS**

None.

## **7.5 HUMAN RIGHTS ACT**

None.

## **7.6 TRADE UNION**

The Trade Unions (Unison and GMB) were informed by the Chief Executive on 30 September 2014 of the decision to fill the post of Chief Executive initially on an interim basis whilst a permanent appointment is made.

## **7.7 WARD IMPLICATIONS**

None.

## **8. NOT FOR PUBLICATION DOCUMENTS**

- 8.1 The recruitment documentation considered by the Appointment Panel when selecting for the post of Interim Chief Executive is Not for Publication on the grounds that it contains exempt information within Paragraphs 1 (Information relating to an individual) and 2 (information identifying an individual) of Schedule 12A of the Local Government Act 1972 (as amended) and the public interest in applying this exemption outweighs the public interest in disclosing the information.

## **9. RECOMMENDATIONS**

- 9.1 That the Council approves the appointment of Suzan Hemingway as Interim Chief Executive.
- 9.2 That the Council confirms that they are in agreement with the proposal to appoint to the position of Interim Chief Executive on the salary package as detailed in paragraphs 2.5 and 4.1 of this Report and in accordance with the Council's Pay Policy Statement 2014/15.



- 9.3 That Council designates the post of Assistant City Solicitor, as Monitoring Officer, pursuant to Section 5 Local Government and Housing Act 1989 for the term of office of the Interim Chief Executive.
- 9.4 That Council designates the post of Assistant City Solicitor as the proper officer to fulfil the role of Deputy Returning Officer for the term of office of the Interim Chief Executive.
- 9.5 That Council delegates to the Assistant City Solicitor for the term of office of the Interim Chief Executive all proper officer functions which are delegated in the Constitution to the City Solicitor and/or Monitoring Officer.

## **10. APPENDICES**

- 10.1 Appendix 1: The Council's Pay Policy Statement 2014/15.

## **11. BACKGROUND DOCUMENTS**

- 11.1 The recruitment documentation considered by the Appointment Panel. This documentation is Not for Publication on the grounds that it contains exempt information within Paragraphs 1 (Information relating to an individual ) and 2 (information identifying an individual) of Schedule 12A of the Local Government Act 1972 (as amended) and the public interest in applying this exemption outweighs the public interest in disclosing the information.

