

DERBYSHIRE COUNTY COUNCIL
COUNCIL

13th September 2017

Report of the Director of Legal Services and Monitoring Officer

DESIGNATION OF INTERIM HEAD OF PAID SERVICE

1. Purpose of the report

To seek approval to interim arrangements for the designation of a Head of Paid Service and to amend the Constitution to delegate urgent decision-making powers to the Head of Paid Service.

2. Information and Analysis

Interim Head of Paid Service

At its meeting on 26th July 2017, the Council adopted a new senior management model. In deleting the post of Chief Executive, the Council was advised of the statutory requirement for local authorities to designate one of their officers as head of paid service and it was decided that all Strategic Directors in the new structure would be eligible to apply for the role. The designation will be the responsibility of a politically balanced Appointments Panel, including at least one Cabinet Member, and will be subject to the final approval of Full Council. It was noted that an Interim Head of Paid Service could be designated whilst the process was underway and this is now necessary, pending the appointment of the Strategic Director, Commissioning, Communities and Policy.

Following consultation with the current Strategic Directors, it is proposed that Mike Ashworth, Strategic Director, Economy, Transport and Communities be designated as Interim Head of Paid Service for the period of 14th August to 30th September 2017 and that Joy Hollister,

Strategic Director of Adult Care, be designated as Interim Head of Paid Service from 1st October 2017 until a permanent designation has been made by the Council.

Urgent decisions

The Council's Constitution (Scheme of Delegation, paragraph C1) provides the Chief Executive with urgent decision-making powers, providing as follows:-

"Specific Delegations to Chief Executive

C1 *Notwithstanding any other provision of this Constitution, the Chief Executive shall have power, after discussion, if practicable, with the Leader of the Council or the relevant Cabinet Member or Chairman, to take such action deemed to be necessary and expedient in matters requiring urgent consideration and which, because of the timescale involved, or the need to safeguard the interests of the County Council, cannot be dealt with by submission to the next following meeting of the Council, Cabinet, Cabinet Member or Committee."*

As a consequence of the adoption of a new senior management model, it is considered appropriate to amend the Constitution by changing the reference to "the Chief Executive" to "the Head of Paid Service" so that it is clear that this urgent decision-making facility continues to be available.

3. Financial Considerations

The role of Head of Paid Service will attract a supplementary allowance of £10k per annum and this would be paid pro rata to officers designated on an interim basis.

4. Legal Considerations

Every local authority has the duty to designate one of their officers as head of paid service in accordance with Section 4 of the Local Government and Housing Act 1989 which provides:-

“(1) It shall be the duty, not later than 30th September 1995, of every relevant authority—

(a) to designate one of their officers as the head of their paid service; and

(b) to provide that officer with such staff, accommodation and other resources as are, in his opinion, sufficient to allow his duties under this section to be performed.

(2) It shall be the duty of the head of a relevant authority's paid service, where he considers it appropriate to do so in respect of any proposals of his with respect to any of the matters specified in subsection (3) below, to prepare a report to the authority setting out his proposals.

(3) Those matters are—

(a) the manner in which the discharge by the authority of their different functions is co-ordinated;

(b) the number and grades of staff required by the authority for the discharge of their functions;

(c) the organisation of the authority's staff; and

(d) the appointment and proper management of the authority's staff.”

5. Other Considerations

In preparing this report the relevance of the following factors has been considered:- Equality of opportunity, health, human resources, environmental, transport, property and crime and disorder considerations.

6. Officer's Recommendations

1. To designate Mike Ashworth, Strategic Director, Economy, Transport and Communities, as the Council's Interim Head of Paid Service for the period 14th August to 30th September 2017.
2. To designate Joy Hollister, Strategic Director of Adult Care, as the Council's Interim Head of Paid Service from 1st October 2017 until a permanent designation has been made by the Council.

3. To amend the Council's Constitution (Scheme of Delegation, paragraph C1) to delegate urgent decision-making powers to the Head of Paid Service.

John McElvaney
Director of Legal Services and Monitoring Officer