

Council

29 January 2009

Agenda Item 45A

Brighton & Hove City Council

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| Subject: | Appointment of Acting Chief Executive and Head of Paid Service |
| Date of Meeting: | 29 January 2009 |
| Report of: | Chief Executive |
| Contact Officer: | Name: Abraham Ghebre-Ghiorghis Tel: 29-1500 |
| | E-mail: abraham.ghebre-ghiorghis@brighotn-hove.gov.uk |
| Key Decision: | Yes/No |
| Wards Affected: | All |

FOR GENERAL RELEASE

The Chairman of the meeting has been consulted and is of the opinion that the item should be considered as a matter of urgency.

The special circumstances for non-compliance with Council Procedure 23 and section 100B(4) of the Local Government Act 1972 (items not to be considered unless agenda item is open to inspection at least 5 clear days in advance of the meeting) are that, given the expected early retirement of the Chief Executive, Council needs to appoint an Acting Chief Executive at this meeting to avoid a gap. The proposals were developed following the decision of the Governance Committee and were therefore not ready at the time of despatch of the Council agenda.

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To seek Council's approval to the appointment of Mr Alex Bailey as Acting Chief Executive pending the appointment of a permanent Chief Executive.

2. RECOMMENDATIONS:

- 2.1 That Council appoints Mr Alex Bailey as Acting Chief Executive and Head of Paid Service pending the appointment of a permanent Chief Executive;
- 2.2 That Council notes the proposed Acting arrangements regarding the roles of Director of Strategy & Governance and Monitoring Officer;
- 2.3 That the Acting Assistant Director of Human Resources, after consultation with the Leader of the Council and the Leaders/Convenor of the other Groups, be authorised to agree the terms and conditions of employment of the Acting Chief Executive within the existing salary scale for the post of Chief Executive.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The Governance Committee, at its meeting on 22nd January, agreed proposals for the early retirement of the Council's Chief Executive. Under the Local Government and Housing Act 1989, the Council has a legal duty to appoint a "Head of Paid Service" which, in practical terms, is a role fulfilled by the Chief Executive. The appointment of the Chief Executive (Acting or permanent) requires Full Council approval.
- 3.2 Following consultation with Group Leaders, it is proposed that Mr Alex Bailey be appointed as Acting Chief Executive and Head of Paid Service pending the appointment of a permanent Chief Executive. Mr Bailey has considerable experience in Local Government at a senior level and, in the last 6 years, has acted as the Council's Director of Strategy & Governance and Monitoring Officer which included responsibility for wide ranging Council functions including Policy, Legal and Democratic Services, Human Resources, Improvement & Development and Communications.
- 3.3 Subject to Council's approval of the appointment of Acting Chief Executive, it is proposed to appoint the Head of Policy as Acting Director of Strategy & Governance. The Local Government and Housing Act 1989 prohibits any two or more of the positions of Head of Paid Service, Monitoring Officer or Chief Finance Officer from being held by the same person and it would not be good governance practice for the roles to be combined. It is therefore proposed to appoint the Head of Law (currently Deputy Monitoring Officer) as the Acting Monitoring Officer. These Acting Up appointments will be made by the Acting Chief Executive in accordance with the Council's Officer Employment Procedure Rules.

4. CONSULTATION

- 4.1 All the Group Leaders were consulted about the proposed appointment of the Acting Chief Executive.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The proposed acting up arrangements will be funded from existing budgets held in respect of the relevant posts by the Chief Executive's Office and the Strategy & Governance Directorate.

Finance Officer Consulted: Nigel Manvell, S151 Officer Date: 27/01/09

Legal Implications:

- 5.2 The Council has a duty to appoint a Head of Paid Service which has to be approved by the Full Council under the Local Authorities (Standing Orders) Regulations 2001. The other Acting arrangements are delegated to Officers

(the Chief Executive.) The proposals in this report are consistent with legal requirements and the Council's procedures.

Lawyer Consulted: Abraham Ghebre-Ghiorghis

Date: 27/01/09

Equalities Implications:

5.3 There are none arising directly from this report.

Sustainability Implications:

5.4 There are none arising directly from this report.

Crime & Disorder Implications:

5.5 There are none arising directly from this report.

Risk & Opportunity Management Implications:

5.6 There are none arising directly from this report.

Corporate / Citywide Implications:

5.7 There are none arising directly from this report.

SUPPORTING DOCUMENTATION

Appendices:

None

Background Documents

None

