

Brighton & Hove City Council

Council

Agenda Item 104

Subject: Appointment of Interim Chief Executive and Head of Paid Service

Date of meeting: 30th March 2023

Report of: Executive Director – Governance, People & Resources

Contact Officer: Name: Alison McManamon – Director of HR & OD
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Ward(s) affected: All

For general release

1. Purpose of the report and policy context

1.1 To seek Council's approval of the appointment of [name to follow] as interim Chief Executive and Head of Paid Service, following a selection process which took place on 27th March 2023.

2. Recommendations

2.1 That Council notes that the Appointments and Remuneration Panel will be interviewing candidates for the post of Interim Chief Executive and Head of Paid Service and the name of the recommended candidate will be submitted to Council in time before the meeting of full Council.

2.2 That Council appoints the person recommended by the Panel (name to follow) as interim Chief Executive and Head of Paid Service.

2.3 That the appointment is for a fixed term of at least 6 months or the appointment of a permanent Chief Executive, whichever is later.

2.4 That the salary for the post be set at £167,000 per annum.

2.5 That the appointment takes effect from 8th May 2023 or a date recommended by the Appointments and Remuneration Panel, if different.

2.6 That the appointment be subject to satisfactory references and pre-employment checks (if not completed before meeting of full Council) and that the Director of Human Resources & Organisational Development, after consultation with the Leader of the Council, be authorised to take all steps necessary or incidental to implementation of the appointment, including completing pre-employment checks and any detailed terms or administrative arrangements that may be outstanding.

3. Context and background information

- 3.1 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 Head of Paid Service requires approval by full Council under the law and the appointment of Chief Executive requires Full Council approval under the Council’s constitution.
- 3.2 Given the proximity to the local elections on 4th May 2023 to the date of the current Chief Executive’s departure on 8th May 2023 and the length of time a full recruitment process will take a shorter process to appoint an interim Chief Executive has been undertaken. This is to have someone in post as soon as possible following the departure of the current Chief Executive and pending the process for a permanent appointment which will be agreed following the local elections.
- 3.3 Following an external advertisement, shortlisted candidates were invited to the selection process for the interim Chief Executive. The selection process was undertaken by the Appointments and Remuneration Panel, a cross-party group of 6 Members. An assessment day took place on 27th March 2023.
- 3.4 The candidate recommended by the Panel (to follow) will be presented to Council before the meeting.
- 3.5 The appointment will be subject to satisfactory references and background checks if not completed in advance of the meeting. If not completed in advance, it is recommended that the Director of HR &OD be authorised to take references and report back to full Council but only if necessary.

4. Analysis and consideration of alternative options

- 4.1 All political groups were consulted through their representatives and the process undertaken by a cross party group of Councillors.
- 4.2 The Council could have sought an interim appointment via an agency or consultancy on a day rate but this option will normally be considerably more expensive.
- 4.3 The route chosen allowed internal and external candidates to apply for the role.

5. Community engagement and consultation

- 5.1 All political groups were consulted through their representatives and the interview undertaken by a cross party group of Councillors.

6. Conclusion

- 6.1 The appointment of the Chief Executive and Head of Paid of Service, whether permanent or temporary, requires Council approval of the recommendation of the Appointments and Remuneration Panel, hence this report.

7. Financial implications

- 7.1 The proposed appointment can be funded from the existing salary budget. The Chief Executive's salary is set to ensure it is competitive when compared to roles of similar size and complexity elsewhere and with regard to the challenges, additional hours and working arrangements required to achieve the requirements of the role.
- 7.2 The salary is on a single fixed salary point. Nationally negotiated cost of living awards are applied. The current salary is £167,000. This reflects a ratio of 7.5 against the lowest salary within the council's pay and grading structure.
- 7.3 Although employer's on-costs for pension and National Insurance of around 33.5% will normally apply to a Chief Executive appointment on council terms and conditions, appointment of the role via an agency or consultancy will normally be prohibitive due to prevailing market rates for senior roles and the need for agencies to recover their high marketing costs and meet investors / shareholder's profit and dividend expectations.

Name of finance officer consulted: Nigel Manvell Date consulted
20/3/23:

8. Legal implications

- 8.1 The Council has a duty to appoint a Head of Paid Service. Under the Local Authorities (Standing Orders) Regulations 2001, this has to be approved by the Full Council and cannot be delegated to a committee or a sub-committee of the Council. The Head of Paid Service, in addition to their statutory role, will undertake all the functions listed in the Council's constitution, including overall responsibility for the delivery and direction of Council services. The contract of employment for the Interim Chief Executive and Head of Paid Service will need to reflect the statutory procedures relating to the Heads of Paid Service, Monitoring Officer, and S151 Officers as set out in the Local Authorities (standing Orders) (Amendments) Regulations 2015.

Name of lawyer consulted: Elizabeth Culbert Date consulted 20/03/23

9. Equalities implications

- 9.1 The process for appointing a Chief Executive has been undertaken with an external recruitment process in accordance with Council policies, which reflect equalities legislation and good practice. The appointments process was undertaken having regard to equalities principles and candidates'

approach to equality and diversity was one of the criteria for selecting the successful candidate.

10. Sustainability implications

10.1 There are no direct implications arising from this report.