

Executive Member	Councillor Chris Townsend – Leader of the Council
Strategic Management Team Lead Officer	N/A
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Date	Council – 3 rd December 2013

Subject	Appointment of Chief Executive/Head of Paid Service and Electoral Registration Officer/Returning Officer
RECOMMENDATIONS	
The Council is asked to appoint Yvonne Rees as Chief Executive/Head of the Paid Service and Electoral Registration Officer/Returning Officer with effect from 1 st April 2014.	

The Council has the authority to determine the Recommendations

1.0 BACKGROUND

Chief Executive/Head of the Paid Service

There is a statutory duty under the Local Government Act 1989 for the Council to designate one of its Officers as the Head of the Paid Service. In most (but not all) instances the Head of the Paid Service is the Chief Executive.

In September 2012 and again in March 2013 the Council appointed Ms Rees as Interim Chief Executive/Electoral Registration Officer/Returning Officer to allow the Council the time and opportunity to consider how it wishes to address the position on a longer term basis.

On appointment in September 2012 Ms Rees was given the following objectives;

- To bring a visible leadership to the organisation – ensuring staff remain focussed during a period of change.
- Work with Members and staff to ensure a process is in place to deliver the 2012/13 budget, the business plan and the work programme set out to Council.
- Work with Members and staff to ensure the organisation has an effective process in place to deliver the budget in 2013/14 and a sustainable Medium Term Financial Strategy, aligned to a clear business planning process
- Work with members, staff and partners to develop a vision/future direction for Mole Valley as a place
- Work with members and staff to develop and sustain a culture where all staff realise their potential and take responsibility for their areas of activity.
- As Chief Executive Officer to provide effective advice to the Leader and Executive on day to day issues.

She has delivered on these objectives, in particular bringing visible leadership to the organisation; working with Members to deliver the 2012/13 budget with a more robust process and providing an effective process to deliver the 2013/14 budget; working with Members and staff to develop and sustain a culture where staff realise their potential and take responsibility for their work areas; and providing effective advice to the Leader and the Executive.

In February 2013 the Council recognised that it had a number of important decisions to be taken in the forthcoming year or two to enable it to deliver its priority themes of Access to Services, Environment and Value for Money. These include the development of the Medium Term Financial Strategy; the re-letting of the tender for the management of Dorking Sports Centre; the future of the Pippbrook Offices; the future of the Leatherhead by pass site; the move of the Council Depot to Leatherhead; and the development of the new Local Plan, review of the green belt boundaries and land allocation policies. The Leader is of the view that Ms Rees has delivered on a number of these projects, most notably:

- The new contract at Dorking Sports centre with an increased income of £442,000
- The Council decision to enter into a Conditional Sale/Development Agreement to enable Barratt Homes to promote the North Leatherhead Bypass site
- The Development of the Medium Term Financial Strategy

Some are longer term projects which would benefit from continuity and stability to maximise the future performance of the Council. It is considered that it is in the Council's best interests to continue with Ms Rees as she has shown that she can deliver on her objectives and to have had a positive impact on the culture of Mole Valley District Council. In addition, she is uniquely positioned to draw upon significant additional resources and expertise from a much larger organisation. The Leader considers that this has been confirmed by a 360 degree type review that he has undertaken into aspects of Ms Rees leadership, communication style and impact on Mole Valley District Council with Group Leaders and with the Senior Management Team. The details of these reviews have been shared with Group Leaders and an extract of some of the comments that were made through this process is provided in a confidential annex to this report.

Ms Rees would be employed by Mole Valley District Council to undertake the role of Chief Executive/Head of the Paid Service/Returning Officer/Electoral Registration Officer undertaking the full role on a four day per week (condensed hours) basis. Surrey County Council will continue to employ Ms Rees one day per week on a separate contract.

The Leader has discussed this with the Leader and Chief Executive at the County Council who are supportive of the proposal. He has also discussed the matter with Ms Rees who is happy with such an arrangement and has assured him that she is committed to Mole Valley and will be totally flexible in fulfilling her role to the full.

The Leader has prepared, with Human Resources advice, a job description and person specification for the role of Mole Valley's Chief Executive. These are attached at appendices 1 and 2.

2.0 CORPORATE IMPLICATIONS

Legal Implications

Where it is proposed to appoint a Chief Executive and it is not proposed that the appointment be made exclusively from among the authority's existing officers (*see section below on the Local Government Act 1972 for the treatment of seconded officers*), the authority must:

- (a) Draw up a job description and person specification
- (b) Advertise the post appropriately
- (c) Send the job description and person specification to any interested person

Where the post has been advertised the authority will interview all qualified applicants for the post or select a shortlist for interview. This is normally delegated to a politically balanced appointments panel.

The appointment *must* be approved by Council before an offer of appointment is made.

Section 113(1) of the Local Government Act 1972 allows a local authority to enter into an agreement with another authority for placing its staff at the disposal of the other authority, for the purposes of their functions, on such terms as shall be agreed.

Section 113(2) of the 1972 Act states that where the services of an officer are placed at the disposal of another authority, the officer shall be treated as an officer of that other authority for the purposes of any enactment relating to the discharge of local authorities' functions.

As such for the purposes of the appointment of the Chief Executive Ms Rees can be treated as an officer of this authority.

Monitoring Officer Commentary -

The Monitoring Officer is satisfied that all relevant legal implications have been taken into account.

Financial Implications

The cost of the previous Chief Executive including on-costs was £138,100.

Ms Rees would be employed from 1st April 2014 on a salary of £103,210 per annum which, with pension and national insurance 'on costs,' would equate to £131,300 for 2014/15 - within the Chief Executive's salary range of £95,206 to £106,374. This would be subject to any pay rises approved by the Council as part of the budget process.

If no appointment were made the associated costs of undertaking a full recruitment exercise would be likely to be around £30,000.

Section 151 Officer Commentary

The s151 Officer is satisfied that all relevant financial implications have been taken into account.

Risk Implications – The appointment of Ms Rees would ensure stability to the organisation during a period of significant work pressures and changes. It would also maximise Mole Valley's ability to continue sharing ideas, and in some cases resource, in areas becoming increasingly complex and attracting higher degrees of risk, with an organisation which has much larger resources.

If no appointment is made the Council will need to go through a recruitment process as set out above (under Legal and Financial Implications) together with associated costs. Dependant upon the timescales there may need to be an interim appointment.

The appointment of any Officer at this level brings with it accrued continuous service which gives the post holder the usual employment protection.

Equalities Implications – There are no implications arising from the Equalities Act 2010.

Employment Issues – The legal implications section sets out how the employment of an officer of another authority can be used.

Sustainability Issues – None.

Consultation - The Leader of the Council has consulted with the Leaders of the Conservative, Liberal Democrat and informal Independent Groups, who together with the Officers of the Strategic Management Team, have completed a 360 type review into key aspects of the performance of Ms Rees during her initial 14 months with Mole Valley District Council. These reports have been shared with Group Leaders.

BACKGROUND PAPERS

None