

Meeting of the Full Council
Meeting to be held on Thursday, 17 October 2024

Report submitted by: Director of Law and Governance

Part A

Electoral Division affected:
N/A;

Corporate Priorities:
Delivering better services;

Report of the Employment Committee - Appointment of Interim Chief Executive and Head of Paid Service and County Council's Returning Officer

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Brief Summary

This report presents the recommendation of the Employment Committee from its meeting held on 18 July 2024 regarding the appointment of an Interim Chief Executive and Head of Paid Service. It also seeks Full Council's agreement to the proposed appointment of a Returning Officer for elections of councillors to the county council.

Recommendation

Full Council is asked to:

- (i) Consider the recommendation of the Employment Committee and approve the appointment of Mark Wynn to the role of Interim Chief Executive and Head of Paid Service.
- (ii) Subject to (i) above, waive Section 9.5 of the council's Constitution, which provides that the Head of Paid Service cannot be the Chief Financial Officer, until a permanent appointment to the role of Chief Executive and Head of Paid Service is confirmed; and
- (iii) Subject to (i) above, approve the appointment of Mark Wynn as Returning Officer for the election of councillors to the county council.

Detail

Appointment of Interim Chief Executive and Head of Paid Service

At its meeting held on 18 July 2024, the Employment Committee considered a report on the proposed recruitment timetable and transition arrangements for the role of Chief Executive and Head of Paid Service, following confirmation from the outgoing Chief Executive that their last day in post would be 25 September 2024.

At that meeting, the Employment Committee agreed the arrangements for the recruitment to the permanent role of Chief Executive and Head of Paid Service. For the interim period, the committee also agreed that the appointment of Mark Wynn (currently the council's Executive Director of Resources) to the role of Interim Chief Executive and Head of Paid Service be recommended to Full Council for approval.

Full Council is therefore asked to consider the recommendation of the Employment Committee and approve the appointment of Mark Wynn to the role of Interim Chief Executive and Head of Paid Service.

Waiver of Section 9.5 of the Council's Constitution

Section 9.4 of the council's Constitution provides that the Chief Executive is the Head of Paid Service. Section 9.5 of the Constitution states that the Head of Paid Service cannot be the Chief Financial Officer (also known as the Section 151 Officer) or the Monitoring Officer.

Mark Wynn is currently the council's Executive Director of Resources and Chief Financial Officer. Until a permanent appointment is made, Full Council is asked to waive Section 9.5 of the Constitution so that Mark Wynn, as Interim Chief Executive, can be the council's Head of Paid Service and the Chief Financial Officer (Section 151 Officer).

Appointment of Returning Officer for County Council Elections

Every authority is required to appoint an officer of the council to be the Returning Officer for the election of councillors to the authority.

The Returning Officer's role is to ensure the election is administered effectively and that, as a result, the experience of voters and those standing for election is a positive one. The Returning Officer's duties are separate to their duties as an officer of the council; they are directly accountable to the courts as an independent statutory office holder.

This appointment was held by the previous Chief Executive. Full Council is therefore asked to approve the appointment of Mark Wynn as Returning Officer for the election of councillors to the county council.

Consultations

N/A



Implications:

This item has the following implications, as indicated:

Legal

Section 4 of the Local Government and Housing Act 1989 requires the council to have a Head of Paid Service who has overall responsibility for the management of the council, including reporting to Full Council on the discharge of the council's functions, the number and grade of officers required for the discharge of functions, and the organisation of officers. The council's Constitution provides that the Chief Executive is the Head of Paid Service.

In accordance with its Terms of Reference, the Employment Committee has responsibility for overseeing the appointment of senior officers, including the Chief Executive. The appointment of the Head of Paid Service is a decision of Full Council in accordance with The Local Authorities (Standing Orders) (England) Regulations 2001. Therefore, the recommendation of the Employment Committee is presented to Full Council for approval.

The council's Constitution, in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001, also provides that every Cabinet Member will be notified of the Employment Committee's recommendation to ensure there is no objection from Cabinet to a proposed senior officer appointment. This requirement was met following the Employment Committee's meeting on 18 July 2024 and no objections were received.

Section 35 of the Representation of the People Act 1983 requires the council to appoint a Returning Officer who has responsibility for the election of councillors to the county council. The Returning Officer is directly accountable to the courts for the effective administration and conduct of county council elections.

Financial

The salary for the Chief Executive is paid as set out in Lancashire's pay spine and in accordance with the National Joint Council Chief Officer Salary Scale. The Chief Executive's salary is included in the existing staffing budget.

An additional allowance is also payable to the Returning Officer as set out in the council's Pay Policy Statement. This is calculated in accordance with a formula approved by Full Council and is currently 15% of the total fees payable to the Deputy Returning Officers employed by the district councils. The Returning Officer's allowance will be included in the future election budgets.

Risk Management

The Head of Paid Service is a statutory role and, whilst a short period is acceptable for this position to be vacant, any gap should be as short as possible. The proposed appointment of Mark Wynn to the role of Interim Chief Executive and Head of Paid Service will ensure continuity in this statutory role while recruitment to the permanent role is carried out.



Measures will be taken to ensure that there is appropriate resource in place to support the Interim Chief Executive and Head of Paid Service during the interim period while they are also retaining the Chief Financial Officer (Section 151 Officer) statutory role. The Head of Paid Service is responsible for arranging the discharge of the council's functions and the Chief Financial Officer is responsible for ensuring the proper administration of the council's financial affairs, including that actions and decisions are taken in accordance with the council's budget. Regular statutory officer meetings between the Head of Paid Service/Chief Financial Officer and the Monitoring Officer will also include the Director of Finance and Commerce during this period. Regular briefings with the Leader, Cabinet Members and Opposition Group on the discharge of council functions and the council's financial affairs will continue and include the Monitoring Officer and Director of Finance and Commerce where appropriate.

The Returning Officer is personally liable for the conduct of the election. The council has appropriate insurance cover in place and a team of officers responsible for robust planning and decision-making related to county council elections.

Local Government (Access to Information) Act 1985
List of Background Papers

Paper	Date	Contact/Tel
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None

Reason for inclusion in Part II, if appropriate

N/A

