

Council – 9<sup>th</sup> January, 2023

## Appointments of the Interim Chief Executive and re allocation of Statutory Posts

Service: All  
Wards: All

### 1. Summary of report

This report sets out Personnel Committees recommendations in relation to the appointment of a preferred candidate for the post of interim chief executive of Walsall Metropolitan Borough Council (Head of Paid Service) and designation of statutory posts as follows:-

- S151 Officer;
- Returning Officer;
- Electoral Registration Officer.

### 2. Recommendations

***Council is asked to note that the following recommendations shall be determined in private session following consideration of confidential information as contained in agenda item 21.***

That Council:

- a. Approve the recommendation of Personnel Committee to appoint **(name redacted)** to the post of Interim Chief Executive (Head of Paid Service) with effect from 8<sup>th</sup> February. 2023 and delegate authority to the Director of Human Resources, Organisational Development and Administration & Business Support, to the commence contractual negotiations, in consultation with the Leader of the Council.
- b. Appoints Anthony Cox, Director of Governance as the Council's Returning Officer and Electoral Registration Officer in accordance with Section 35 of the Representation of the People Act 1983 with effect from 8<sup>th</sup> February, 2023, until such time that a new substantive Chief Executive commences employment, or the arrangement is reviewed by Personnel Committee.
- c. Notes that, as the post of **(title redacted)** shall become vacant as of 8<sup>th</sup> February, 2023, the S151 responsibilities shall fall to the Director of Finance, Corporate Performance and Corporate Landlord.

### **3. Report Detail**

#### **3.1 Appointment of Interim Chief Executive**

- 3.2 The post of Chief Executive will become vacant on 8 February 2023 due to the resignation of the current postholder.
- 3.3 It is a Tier 1 position within the senior management structure.
- 3.4 The job description and employee specification are attached to this report, along with a staffing structure. It should be noted that the job description for the interim Chief Executive removes the statutory roles of Returning Officer, Electoral Registration Officer. These statutory roles, along with the role of Deputy Returning Officer are to be re designated as set out in paragraph 2 above to ensure that the Council meets its statutory requirements in terms of these roles.
- 3.5 On 22 November 2022, Personnel Committee considered and agreed a report regarding recruitment to the post on both an interim and permanent basis.
- 3.6 A search for the interim Chief Executive was conducted by the recruitment consultancy Penna and the post closed for applications for the interim role on 2 December 2022.
- 3.7 There was one suitable application for the interim post received. On 5 December 2022, this applicant was shortlisted by the Chief Executive, the Director for HR, OD and A&BS, a Penna Consultant, The Leader of The Council, Councillor Bird and The Leader of the Opposition, Councillor Nawaz. The candidate was **(name redacted)**.
- 3.8 At a special meeting held on 14 December, 2022 Personnel Committee, interviewed **(name redacted)** and resolved that:-
1. Subject to the well-founded objection procedure, Council be recommended to confirm the appointment of **(name redacted)** as Interim Chief Executive (Head of Paid Service); and
  2. Commencing salary negotiations be delegated to the Director of Human Resources, Organisational Development and Administration & Business Support.
- 3.9 The well-founded objection procedure has taken place and no objections to the proposed appointment were made.

#### **Appointment of Interim Returning Officer, Electoral Registration Officer**

- 3.10 Whilst the Council's Constitution sets out that the Chief Executive is authorised to undertake "the powers and duties of Returning Officer for the purpose of Section 35 of the Representation of the People Act 1983", the Act does not require that the Chief Executive of a local authority be appointed Returning Officer. The law states that a council must appoint "one of its officers" to the role Returning Officer

and it is imperative that the officer appointed has the necessary skills and experience.

3.11 At its meeting held on 22 November, 2022, Personnel Committee resolved that:-

2.2 The Director of Governance (Monitoring Officer) be appointed as Returning Officer for the Council and Electoral Registration Officer until such time that a substantive Chief Executive commences employment, or the arrangement is reviewed by Personnel Committee.

### **Section 151 Responsibilities**

3.13 The Council's Constitution confirms that the Executive Director of Resources and Transformation is designated as the Council's S151 Officer.

3.14 The Constitution also confirms that in the absence of the Executive Director of Resources, the Director of Finance, Corporate Performance and Corporate Landlord will act as the designated Section 151 Officer and may exercise all of the delegations relating to S151 duties.

3.15 The post of Interim Executive Director Resources shall become vacant in February, 2023. As such, the S151 duties shall, in accordance with the Constitution be carried out by the Council's Director of Finance, Corporate Performance and Corporate Landlord, until such time that an Executive Director- Resources, is in post.

## **4. Financial Implications**

4.1 Costs will be met from within existing budgets.

## **5. Legal Considerations**

### **Interim Chief Executive**

5.1 The post of Interim Chief Executive and Head of Paid Service is politically restricted. The post of Head of Paid Services is a Statutory requirement and included as set out in Article 10 of the Council's Constitution.

### **5.2 Interim Returning Officer, Electoral Registration Officer**

5.3 The Council is required to appoint a Returning Officer in accordance with Section 35(1) of the Representation of the People Act 1983 to administer local elections. Elections are conducted by the Returning Officer who has a personal responsibility in law independent and separate from their duties as an employee of the Council. To ensure electoral procedures are not jeopardised in the event of the absence of the Returning Officer it is recommended that deputies are appointed.

5.4 The Council is required to appoint an Electoral Registration Officer in accordance with Section 8(2)(a) of the Representation of the People Act 1983. The Electoral

Registration Officer is the person with statutory responsibility for the creation and maintenance of the register of electors.

- 5.5 Section 52 (2) & (3) of the Representation of the People Act 1983 Act allows for discharge of the Electoral Registration Officer duties by any Deputy approved by the Council who appointed the Electoral Registration Officer.

### **S151 Officer**

- 5.6 The post of S151 Officer is a Statutory requirement and included as set out in Article 10 of the Councils Constitution.

## **6. Citizen Impact**

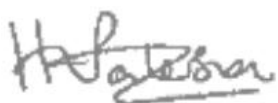
- 6.1 Recruitment to this post will ensure that Walsall citizens receive adequate and improved services from the Council.

## **7. Equality Implications**

- 7.1 The proposals will be implemented in line with equality good practice.

## **8. Consultation**

- 8.1 Consultation has taken place as required.



**Helen Paterson**  
**Chief Executive**

### **Contact Officer**

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