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Service Lead - Governance: Karen Shepherd: (01628) 796529

TO: EVERY MEMBER OF THE COUNCIL FOR THE ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

YOU ARE HEREBY SUMMONED TO ATTEND the Meeting of the Council of the Royal Borough of Windsor & Maidenhead to be held in the **Council Chamber - Town Hall** on **Monday, 5 November 2018 at 7.30 pm** for the purpose of transacting the business specified in the Agenda set out hereunder.

Dated this Friday, 26 October 2018



Acting Managing Director

A G E N D A

PART I

1. APOLOGIES FOR ABSENCE
To receive any apologies for absence

2. DECLARATIONS OF INTEREST
To receive any declarations of interest
(Pages 3 - 4)

3. APPOINTMENT OF ACTING STATUTORY OFFICERS
To consider the above report
(Pages 5 - 8)

COUNCIL MOTIONS – PROCEDURE

- Motion proposed (mover of Motion to speak on Motion)
- Motion seconded (Secunder has right to reserve their speech until **later** in the debate)
- Begin debate

Should An Amendment Be Proposed: (only one amendment may be moved and discussed at any one time)

NB – Any proposed amendment to a Motion to be passed to the Mayor for consideration before it is proposed and seconded.

- Amendment to Motion proposed
- Amendment must be seconded BEFORE any debate can take place on it

(At this point, the mover and seconder of original Motion can indicate their acceptance of the amendment if they are happy with it)
- Amendment debated (if required)
- Vote taken on Amendment
- If Agreed, the amended Motion becomes the substantive Motion and is then debated (any further amendments follow same procedure as above).
- If Amendment not agreed, original Motion is debated (any other amendments follow same procedure as above).

- The mover of the Motion has a right to reply at the end of the debate on the Motion, immediately before it is put to the vote.
- At conclusion of debate on Motion, the Mayor shall call for a vote. Unless the vote is unanimous, a named vote will be undertaken, the results of which will be announced in the meeting, and recorded in the Minutes of the meeting.

(All speeches maximum of 5 minutes, except for the Budget Meeting where the Member proposing the adoption of the budget and the Opposition Spokesperson shall each be allowed to speak for 10 minutes to respectively propose the budget and respond to it. The Member proposing the budget may speak for a further 5 minutes when exercising his/her right of reply.)

MEMBERS' GUIDE TO DECLARING INTERESTS IN MEETINGS

Disclosure at Meetings

If a Member has not disclosed an interest in their Register of Interests, they **must make** the declaration of interest at the beginning of the meeting, or as soon as they are aware that they have a DPI or Prejudicial Interest. If a Member has already disclosed the interest in their Register of Interests they are still required to disclose this in the meeting if it relates to the matter being discussed.

A member with a DPI or Prejudicial Interest **may make representations at the start of the item but must not take part in the discussion or vote at a meeting.** The speaking time allocated for Members to make representations is at the discretion of the Chairman of the meeting. In order to avoid any accusations of taking part in the discussion or vote, after speaking, Members should move away from the panel table to a public area or, if they wish, leave the room. If the interest declared has not been entered on to a Members' Register of Interests, they must notify the Monitoring Officer in writing within the next 28 days following the meeting.

Disclosable Pecuniary Interests (DPIs) (relating to the Member or their partner) include:

- Any employment, office, trade, profession or vocation carried on for profit or gain.
- Any payment or provision of any other financial benefit made in respect of any expenses occurred in carrying out member duties or election expenses.
- Any contract under which goods and services are to be provided/works to be executed which has not been fully discharged.
- Any beneficial interest in land within the area of the relevant authority.
- Any licence to occupy land in the area of the relevant authority for a month or longer.
- Any tenancy where the landlord is the relevant authority, and the tenant is a body in which the relevant person has a beneficial interest.
- Any beneficial interest in securities of a body where:
 - a) that body has a piece of business or land in the area of the relevant authority, and
 - b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body **or** (ii) the total nominal value of the shares of any one class belonging to the relevant person exceeds one hundredth of the total issued share capital of that class.

Any Member who is unsure if their interest falls within any of the above legal definitions should seek advice from the Monitoring Officer in advance of the meeting.

A Member with a DPI should state in the meeting: ***'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations on the item: 'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'

Prejudicial Interests

Any interest which a reasonable, fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs the Member's ability to judge the public interest in the item, i.e. a Member's decision making is influenced by their interest so that they are not able to impartially consider relevant issues.

A Member with a Prejudicial interest should state in the meeting: ***'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations in the item: 'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'

Personal interests

Any other connection or association which a member of the public may reasonably think may influence a Member when making a decision on council matters.

Members with a Personal Interest should state at the meeting: ***'I wish to declare a Personal Interest in item x because xxx'. As this is a Personal Interest only, I will take part in the discussion and vote on the matter.***

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Report Title:	Appointment of Acting Statutory Officers
Contains Confidential or Exempt Information?	No - Part I
Member reporting:	Cllr Dudley, Leader of the Council
Meeting and Date:	Full Council, 5 November 2018
Responsible Officer(s):	Nikki Craig, Head of HR and Corporate Projects
Wards affected:	None

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REPORT SUMMARY

This report requests approval to appoint to the statutory role of Head of Paid Service, on an interim basis pending recruitment and appointment of a permanent Managing Director and the statutory posts of Returning Officer and Electoral Registration Officer.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Council notes the report and appoints:

- i) **Russell O’Keefe, Executive Director Place, as Acting Managing Director and Head of Paid Service.**
- ii) **David Scott, Head of Communities, Enforcement and Partnerships as Returning Officer and Electoral Registration Officer.**

2. REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

- 2.1 Further to the announcement that Alison Alexander, Managing Director was to leave the council at the end of May 2019 it has been agreed following discussions that she will relinquish her responsibilities earlier than originally planned. Therefore to ensure continuity and fulfilment of statutory duties interim arrangements are required pending the recruitment and appointment of a permanent Managing Director.
- 2.2 Under the Council’s constitution the Managing Director is designated as the statutory Head of Paid Service. Although not formally linked to the Managing Director position in the council’s structure, Alison Alexander is also designated as the statutory Returning Officer and Electoral Registration Officer and therefore these statutory duties also need to be re-assigned.
- 2.3 Following discussions with the Leader of the Council, Lead Member for HR and other cabinet members the above appointments are recommended to ensure ongoing delivery of statutory duties and strategic objectives.

Statutory role of Head of Paid Service

- 2.4 It is the duty of the Head of Paid Service where he or she considers it appropriate to do so, to prepare a report to the authority setting out their proposals as to:
- the manner in which the discharge by the authority of their different functions is co-ordinated;
 - the number and grades of staff required by the authority for the discharge of their functions;
 - the organisation of the authority's staff;
 - the appointment and proper management of the authority's staff.
- 2.5 If approved Russell O'Keefe will formally take up the role with immediate effect on an acting basis pending the recruitment and appointment of a permanent Managing Director.
- 2.6 An acting up allowance of £12,000 per annum will be paid for the duration of the additional duties.

Statutory role of Returning Officer and Electoral Registration Officer

- 2.7 The Returning Officer is the person who has the overall responsibility for the conduct of elections in the borough
- 2.8 The Returning Officer is an officer of the council but the role of the Returning Officer is a personal responsibility independent and separate from their duties as an employee of the council.
- 2.9 The Electoral Registration Officer is the person with statutory responsibility for the creation and maintenance of the register of electors and the absent voters list. This person takes responsibility for publishing a revised electoral register and issuing monthly alterations notices. The Electoral Registration Officer is also the Acting Returning Officer for UK parliamentary elections.
- 2.10 The Electoral Registration Officer is an officer of the council but the role of the Electoral Registration Officer is a personal responsibility, independent and separate from their duties as an employee of the council. The two roles of Returning Officer and Electoral Registration Officer are usually combined and performed by a single person.
- 2.11 If appointed David Scott will formally take up the roles with immediate effect.
- 2.12 Fees for Returning Officer duties with regard to elections are set by the Electoral Commission and claimed separately.

Options

Table 1: Options arising from this report

Option	Comments
To approve the appointments.	Allows the council to continue to meet its statutory requirements
This is the recommended option	
To not approve the appointments.	The council would have to make alternative appointments potentially

Option	Comments
This is not a recommended option	impacting ability to deliver statutory responsibilities.

3. KEY IMPLICATIONS

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Statutory officers appointed and commence duties	Appointments not approved	With immediate effect			With immediate effect

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 The Acting Managing Director and Head of Paid Service will receive an acting up allowance of £12,000 per annum for the duration of the additional duties. There are no other direct financial implications arising from this report.

5. LEGAL IMPLICATIONS

- 5.1 Section 4 of the Local Government & Housing Act 1989 provides that it is the duty of every local authority to designate one of their officers as its Head of Paid Service.
- 5.2 The Representation of the People Act 1983 Section 35 requires the council to appoint an officer of the council to be the Returning Officer in local elections.
- 5.3 It is a requirement of Section 8 of Representation of the People Act 1983 that the Council appoints an Electoral Registration Officer (ERO). By virtue of section 28(1) of the Act only the ERO may act as Acting Returning Officer in parliamentary elections.

6. RISK MANAGEMENT

Table 6: Impact of risk and mitigation

Risks	Uncontrolled risk	Controls	Controlled risk
The council does not make the appointments.	Council is not fulfilling its statutory responsibility.	Experienced officers are recommended for the positions.	Low

7. POTENTIAL IMPACTS

- 7.1 These appointments will ensure the council continues to fulfil its statutory responsibilities.

8. CONSULTATION

- 8.1 The recommended appointments have been proposed following consultation with cabinet members.

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 Russell O’Keefe and David Scott will take up the acting statutory roles immediately.

10. APPENDICES

- 10.1 None.

11. BACKGROUND DOCUMENTS

- 11.1 None.

12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
Cllr Dudley	Leader of the Council	25/10/18	25/10/18
Cllr Targowska	Lead Member for HR, Legal and IT	25/10/18	25/10/18
Rob Stubbs	Section 151 Officer	25/10/18	26/10/2018
Sean O’Connor	Solicitor and Service Manager, SLS	25/10/18	26/10/2018
Louisa Dean	Communications	25/10/18	25/10/18

REPORT HISTORY

Decision type: Non-key decision	Urgency item? No	To Follow item? No
Report Author: Nikki Craig, Head of HR and Corporate Projects		