

**INTERIM ARRANGEMENTS TO COVER THE ROLE OF THE CHIEF EXECUTIVE,  
ELECTORAL REGISTRATION OFFICER, RETURNING OFFICER AND ACTING  
DIRECTOR OF FINANCE & RESOURCES**

<u>Report of the:</u>	Head of HR & Organisational Development
<u>Contact:</u>	Shona Mason
<u>Urgent Decision?(yes/no)</u>	N/A
<u>If yes, reason urgent decision required:</u>	N/A
<u>Annexes/Appendices (attached):</u>	None
<u>Other available papers (not attached):</u>	None

**REPORT SUMMARY**

**This report requests that the Council appointments an interim Chief Executive, the Electoral Registration Officer, Returning Officer (and other associated roles).**

**RECOMMENDATION (S)**

**That**

- (1) Kathryn Beldon be appointed as Electoral Registration Officer and Returning Officer (and other associated roles) with immediate effect.**
- (2) Kathryn Beldon be appointed as the interim Chief Executive to take effect from the last date of the current Chief Executive's contract of employment until such point as a new permanent Chief Executive's appointment takes effect following the recruitment process due to take place in February 2017 (should this be necessary).**
- (3) The Head of HR & Organisational Development be authorised to issue an interim contract of employment to Kathryn Beldon for the role of Chief Executive in line with the Council's terms and conditions of employment for the role of Chief Executive.**
- (4) The Council notes that the interim Chief Executive will automatically serve as Clerk to Epsom & Walton Downs Conservators and Nonsuch Park Joint Management Committee.**

*Notes*

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| <p>(5) <b>Lee Duffy be appointed as Acting Director of Finance &amp; Resources until such a point as when a new permanent Chief Executive is appointed.</b></p> <p>(6) <b>The Head of HR &amp; Organisational Development be authorised to issue an acting contract of employment to Lee Duffy for the role of Director of Finance &amp; Resources in line with the Councils terms and conditions of employment for the role of Director of Finance &amp; Resources</b></p> |  |
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## **1 Implications for the Council's Key Priorities, Service Plans and Sustainable Community Strategy**

- 1.1 The Council employs staff to give advice, implement decisions and manage the day-to-day delivery of its services. The management structure set out in the Council's Constitution envisages that the organisation will be headed by a Chief Executive.

## **2 Background**

- 2.1 The Chief Executive undertakes a number of "Proper Officer" roles within the authority. The role of "Proper Officer" is an appointment that a local authority is required to make giving responsibility for a specific statutory duty to a named officer. In the absence of an alternative appointment the "proper officer" roles which currently attach to the Chief Executive will attach to the Interim Chief Executive.
- 2.2 The Chief Executive also undertakes some roles unique to the Borough either by law or agreement in the form of Clerk to the Epsom & Walton Downs Conservators, and Nonsuch Park Joint Management Committee respectively.

## **3 Head of Paid Service**

- 3.1 By virtue of section 4 of the Local Government and Housing Act 1989, the Council is required to designate one of the Council's officers as Head of Paid Service. Under the Council's Constitution, the Chief Executive is designated as the Head of Paid Service. The Head of Paid Service is responsible for reporting to the Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers proposed for the discharge of functions and the organisation of officers.

## **4 Electoral Registration Officer and Returning Officer**

- 4.1 Two roles required under the Representation of the People Act 1983 (as amended) are the roles of Electoral Registration Officer and Returning Officer.

- 4.2 The main duty of the Electoral Registration Officer relates to the preparation and publication of the Council's Register of Electors. The ERO is also the signatory to certain notices and is required to comply with any general or specific directions that may be given by the Secretary of State.
- 4.3 The main duty of the Returning Officer is to ensure the proper conduct of Borough Council elections. There are a number of other related roles, such as the (Acting) Returning Officer in relation to UK Parliamentary elections, the Local Returning Officer at Police & Crime Commissioner and European Parliamentary Elections, and Counting Officer in the case of certain Referendums. In the case of County Council and, the Returning Officer is ordinarily appointed as the "lead" Deputy Returning Officer. The duties of Returning Officer are separate from his or her duties as a local government officer and she is personally liable for the conduct of the election.
- 4.4 County Council elections will be held in May 2017, and, at the time of writing, a referendum on the Council Tax rise proposed by Surrey County Council. It is therefore considered sensible to confirm the responsibility of Returning Officer now.
- 4.5 The Council has an experienced Electoral Registration Administrator, Kerry Blundell, who undertakes the day-to-day administration of the Electoral Register. Kerry is also appointed as a Deputy Returning Officer (or equivalent) in respect of all elections and referendums, and is joined in that capacity by the Head of Legal & Democratic Services and Democratic Services Manager, all of whom have many years' experience of managing elections. It is considered important, because of the personal liability attached to the role, that the Returning Officer is sufficiently senior and apart from the day-to-day management to have an overview of the whole process.
- 4.6 It seems appropriate for the role to follow the proposed appointment of the Interim Chief Executive. However, it is an appointment which it is considered should be made now, to ensure, so far as possible, continuity of role throughout the forthcoming electoral process(es).

## **5 Clerk to Epsom & Walton Downs Conservators and Nonsuch Park Joint Management Committee**

- 5.1 The role of Clerk to the Conservators and Nonsuch Park Joint Management Committee will automatically fall to the interim Chief Executive by dint of the wording of the respective legislation and management agreement which state that this shall be fulfilled by "the town clerk and chief executive for the time being" of the Council.

## **6 Financial and Manpower Implications; Equalities and Legal Implications**

- 6.1 The council's constitution incorporates the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended) that require the appointment of a Head of the Paid Service to be a decision of the full council. The council's constitution further provides for a chief executive to be the Head of the Paid Service and for the Council to make the appointment of the recommendation of a properly constituted appointments panel which must include appropriate minority group representation.
- 6.2 Frances Rutter is due to leave the Council on 2 April 2017 however her last day in the office will be Friday 17 March therefore it is necessary for the Council to consider appropriate interim arrangements that provide for the proper discharge of the council's legal obligations, and effective management of the officer structure.
- 6.3 The role of Chief Executive has been advertised and applications closed on 6 February. The Appointments Panel will be undertaking the shortlisting with a view to conducting interviews on 22 and 23 February. Upon completion of the recruitment process it is envisaged that an appointment will be made to the permanent position of Chief Executive. Depending upon the outcome of this process the successful candidate could have between 0 and a 6 months' notice period. Therefore it is essential that the Council has adequate interim arrangements during the period when Frances Rutter leaves and the successful candidate joining the Council.
- 6.4 Kathryn Beldon currently holds the position of Director of Finance & Resources and the statutory role of S151 Chief Finance Officer. As the second in charge Kathryn Beldon would be the go to person to cover the role of Chief Executive during periods of absence Frances may have i.e. annual leave/ sickness. Therefore Kathryn Beldon is the natural choice to take on the interim role to ensure continuity, stability and to provide an adequate handover from Frances Rutter.
- 6.5 It is recommended that Kathryn Beldon undertakes an Acting Chief Executive role from Monday 20 March 2017 through to 2 April 2017 when Frances Rutter leaves and then takes on the Interim Chief Executive from 3 April 2017 until the successful permanent appointment joins the Council. It should be noted that the interim arrangement may not be required depending on the outcome of the recruitment process.
- 6.6 It is recommended that Kathryn Beldon be paid the salary for the role of Chief Executive (£96,324 and associated allowances) on a temporary basis with effect from 3 April 2017 until an appointment is made.

- 6.7 Kathryn Beldon can hold both statutory roles of Head of Paid Service and s151 officer, however during the period of acting and interim Chief Executive the current Head of Finance, Lee Duffy can also undertake an acting arrangement and hold the acting Director of Finance & Resources to provide greater capacity within the senior roles across the Council.
- 6.8 It is also proposed that, if required, Lee Duffy, Head of Finance takes on the Acting Director of Finance & Resources with effect from 20 March 2017 and paid the appropriate rate of £76,818 (pro rata) on a temporary basis until the appointment of Chief Executive is made.

## **7 Sustainability Policy and Community Safety Implications; Partnerships**

- 7.1 There are no implications for the purposes of this report.

## **8 Risk Assessment, Conclusions and Recommendations**

- 8.1 Plainly the council must fulfil its obligation to appoint one of its officers as the Head of the Paid Service, Electoral Registration Officer and Returning Officer. With Frances Rutter's resignation imminent, the recruitment process due to be completed by late February / early March and with the real possibility of the a 3-6 month notice period before any successful applicant commences employment it is essential for the Council to have interim arrangements in place.
- 8.2 It is recommended that members agree to Kathryn Beldon being appointed interim Chief Executive as outlined within this report and to Lee Duffy being appointed to acting Director of Finance and Resources.

**WARD(S) AFFECTED: N/A**