



CITY OF GLOUCESTER

North Warehouse
The Docks
Gloucester
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Wednesday, 19 March 2014

TO EACH MEMBER OF GLOUCESTER CITY COUNCIL

Dear Councillor

This Addendum contains the following agenda items that, while not provided for on the agenda for **Council** on **Thursday, 27 March 2014 at 7.30 pm**, have been approved for inclusion by the Mayor for reasons of urgency.

10A STATUTORY POST OF HEAD OF PAID SERVICE (Pages 3 - 6)

To receive the report of the Cabinet Member for Performance and Resources concerning a proposed change to the responsibility for the statutory post of Head of Paid Service.

10B APPOINTMENT OF ELECTORAL REGISTRATION OFFICER AND RETURNING OFFICER (Pages 7 - 10)

To receive the report of the Head of Legal and Policy Development concerning the appointment of Electoral Registration Officer and Returning Officer.

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Gloucester City Council

Meeting:	Organisational Development Committee Council	Date: 24 March 2014 27 March 2014
Subject:	Statutory Post of Head of Paid Service	
Report Of:	Cabinet Member for Performance and Resources	
Wards Affected:	All	
Key Decision:	No	Budget/Policy Framework: No
Contact Officer:	Peter Gillett, Corporate Director, Resources. Martin Shields, Corporate Director, Services & Neighbourhoods	
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Appendices:	None	

FOR GENERAL RELEASE

Note: The special circumstances for non-compliance with Access to Information Rule 5 and Section 100B (4) of the Local Government Act 1972 (as amended) (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) were that the information was not known at the time of publishing the agenda.

1.0 Purpose of Report

- 1.1 To outline a proposed change to the responsibility for the statutory post of Head of Paid Service.

2.0 Recommendations

- 2.1 Organisational & Development Committee is asked to **RECOMMEND** to Council that:
- (1) The statutory post of Head of Paid Service becomes the responsibility of both Corporate Directors (Peter Gillett, Corporate Director, Resources and Martin Shields, Corporate Director, Services & Neighbourhoods), on a shared basis, for an initial 6 month period and;
 - (2) The Monitoring Officer is instructed to make any consequential amendments to the Constitution and;
 - (3) The arrangements come into effect from 1st April 2014.

2.2 Council is asked to **RESOLVE** that:

- (1) The statutory post of Head of Paid Service becomes the responsibility of both Corporate Directors (Peter Gillett, Corporate Director, Resources and Martin Shields, Corporate Director, Services & Neighbourhoods), on a shared basis, for an initial 6 month period and;
- (2) The Monitoring Officer is instructed to make any consequential amendments to the constitution and;
- (3) The arrangements come into effect from 1st April 2014.
- (4) The arrangements be reviewed at the end of the initial 6 month period, to include consideration of all available options.*

*Organisational and Development Committee agreed the addition of recommendation 2.2(4) at their meeting on 24 March 2014.

3.0 **Background and Key Issues**

- 3.1 The Council has a statutory duty under Section 4 Local Government and Housing Act 1989 to designate a Head of Paid Service. Whilst this is usually a role undertaken by a Chief Executive this statutory function can be any officer within the Council other than the Monitoring Officer.
- 3.2 The Head of Paid Service has a duty, where they consider it appropriate to do so, to prepare a report to the Council setting out their proposals in respect of any of the following matters:
 - The manner in which the discharge of the different functions of the Council is co-ordinated
 - The number and grades of staff required by the Council for the discharge of its functions
 - The organisation of the Council's staff and;
 - The appointment and proper management of the Council's staff.
- 3.3 Following the deletion of the Chief Executive Post, as agreed by Organisational & Development Committee on 24 March 2014 it is proposed that the statutory Head of Paid Service role now becomes the responsibility of the Corporate Directors on a shared basis (for an initial trial period of 6 months).
- 3.4 There are examples of good practice at Councils around the Country where the role of Head of Paid Service is shared between Corporate Directors;
 - Wiltshire Council decided in May 2013, following the departure of their Chief Executive, that the statutory role of Head of Paid Service should become the responsibility of three Corporate Directors
 - Rother Council decided in July 2013 to follow the same approach and appoint their two Executive Directors to the role of Head of Paid Service on a rotational basis for six months at a time
 - Other Councils who have allocated Chief Executive responsibilities to officers from within the existing Senior Management Team include; Isle of Wight, Rugby Borough Council, Salford Council and West Lancashire District Council.

4.0 Alternative Options Considered

- 4.1 A straightforward replacement of the Chief Executive would not produce any savings and plans would have to be developed to make savings within other areas of the Senior Management Team.
- 4.2 Sharing a Chief Executive with another District could be explored, but Gloucester is unique in its demography, needs and issues when compared to the other Districts in the County and it would be hard to see where the time commitment would come from to support the high number of strategic projects, particularly around the regeneration agenda, and whether the right level of knowledge and expertise is available to support Cabinet and officers. This approach would produce some savings but any partner District is likely to expect to be reimbursed for their Chief Executive's time.
- 4.3 Some authorities have chosen to locate the senior managerial responsibilities within the existing senior management team, via a 'first amongst equals' approach. In this model, a single manager is asked to take on the responsibilities of Head of Paid Service in addition to her/his responsibilities for a specific service. However, a shared role, between existing Directors, provides greater resilience for the organisation.

5.0 Reasons for Recommendations

- 5.1 Under the Constitution, it is for Council to confirm the appointment of the Head of Paid Service and it is recommended that Council support the recommendations in paragraph 2.2 of this report.

6.0 Future Work and Conclusions

- 6.1 The existing workload of the CEO will need to be shared between the Corporate Directors and specific roles clearly defined, including support to the Mayor at Council meetings and managerial reporting lines for staff.

7.0 Financial Implications

- 7.1 Senior Management Team savings identified within the Money Plan and Budget 2014/15 (Budget Savings Narrative, appendix 3) at £100,000 for 2015/16 will now be achieved in 2014/15.

(Financial Services have been consulted in the preparation of this report)

8.0 Legal Implications

- 8.1 The Council has a statutory duty under Section 4 Local Government and Housing Act 1989 to appoint a Head of Paid Service and these arrangements fulfil that duty.

(Legal Services have been consulted in the preparation of this report)

9.0 Risk & Opportunity Management Implications

- 9.1 There are no risks associated with this report as this approach has been tried and tested in other Council's across the Country.

9.2 These new arrangements will bring stability to the staff and allow Senior Management to focus on delivering the priorities of the Council. The arrangements will be reviewed after 6 months.

10.0 People Impact Assessment (PIA):

10.1 The PIA Screening Stage was completed and did not identify any potential or actual negative impact, therefore a full PIA was not required.

11.0 Other Corporate Implications

Community Safety

11.1 There are no issues arising from this report.

Sustainability

11.2 There are no issues arising from this report.

Staffing & Trade Union

11.3 These arrangements will bring stability to staff following a period of change and realignment of Management structures and service delivery.

Background Documents: None

Gloucester City Council

Meeting:	Council	Date:	27 March 2014
Subject:	Appointment of Electoral Registration Officer and Returning Officer		
Report Of:	Head of Legal and Policy Development		
Wards Affected:	All Wards		
Key Decision:	No	Budget/Policy Framework:	No
Contact Officer:	Kirsty Cox, Senior Elections Officer		
	Email: kirsty.cox@gloucester.gov.uk	Tel:	396203
Appendices:	None		

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1.0 Purpose of Report

1.1 To outline the legal requirements relating to the appointment of an Electoral Registration Officer and Returning Officer.

2.0 Recommendations

2.1 Council is asked to **RESOLVE:**

- (1) That, in terms of the Representation of the People Act 1983 and all related legislation, Peter Gillett be appointed as Electoral Registration Officer for the City.
- (2) That, in terms of Section 41 of the Local Government Act 1972 and all related legislation, Peter Gillett be appointed as Returning Officer for the City Council, with authority to act in that capacity for elections to the City and Quedgeley parish council.
- (3) That the City Council Returning Officer also be appointed or authorised to act in respect of all related electoral, poll or referendum duties, including in relation to County Council elections, elections to the European Parliament, and for national and regional polls or referenda.
- (4) That the Electoral Registration Officer and the Returning Officer be authorised to appoint a deputy or deputies in relation to these roles.

- (5) That, in relation to the duties of Returning Officer or any other electoral, referendum or polling duties arising from such an appointment, the Returning Officer shall be entitled to be remunerated in accordance with the scale of fees approved by the Gloucestershire Election Fees Working Party for local elections, or the relevant scale of fees prescribed by a Fees Order in respect of national, regional or European Parliament elections, polls or referenda.
- (6) That in all cases where it is a legal requirement or normal practice to do so, fees paid to the Returning Officer shall be superannuable, and the Council shall pay the appropriate employer's contribution to the superannuation fund, recovering such contribution from central government or other agencies where this can be done.
- (7) That in relation to the conduct of local authority elections and polls, and elections to the UK Parliament, and all other electoral duties where the Council is entitled by law to do so, the Council shall take out and maintain insurance, indemnifying the Council and the Returning Officer against legal expenses reasonably incurred in connection with the defence of any proceedings brought against the Council or the Returning Officer and/or the cost of holding another election in the event of the original elections being declared invalid (provided that such proceedings or invalidation are the result of accidental contravention of any legislation governing the electoral process, or accidental breach of any ministerial or other duty by the Returning Officer or any other person employed by or officially action for them in connection with the election or poll).
- (8) That, in the event of such insurance carrying an 'excess' clause by which an initial portion of risk is not insured, the Council, through its internal insurance reserve or otherwise, will indemnify the Returning Officer up to the value of such an excess.

3.0 Background and Key Issues

- 3.1 Under Section 8 of the Representation of the People Act 1983, and section 41 of the Local Government Act 1972, the Council is required to appoint one of its officers to act as Electoral Registration Officer and a Returning Officer for the City Council.
- 3.2 The roles of the Electoral Registration Officer and the Returning Officer for the City Council, as extended by various Acts of Parliament or Statutory Orders, cover such duties as:
 - Returning Officer for Quedgeley Parish Council elections or parish polls
 - Acting Returning Officer for Parliamentary Elections where designated by the appropriate Government Minister
 - Deputy Returning Officer for County Council elections in relation to the divisions within Gloucester City
 - Local Returning Officer for elections to the European Parliament; and
 - Local Counting Officer in relation to national and regional referenda

4.0 Alternative Options Considered

4.1 The Council has a statutory duty to make these appointments from suitably qualified employees. No other options have been identified.

5.0 Reasons for Recommendations

5.1 To meet the statutory requirements to appoint a Returning Officer and Electoral Registration Officer.

7.0 Financial Implications

7.1 There are no financial implications.

8.0 Legal Implications

8.1 Under Section 8 of the Representation of the People Act 1983, and section 41 of the Local Government Act 1972, the Council is required to appoint one of its officers to act as Electoral Registration Officer and a Returning Officer for the City Council.

8.2 Under Part 3, Section 1 of the Gloucester City Council constitution, Council has the duty to appoint an Electoral Registration Officer and a Returning Officer for local government elections.

9.0 Risk & Opportunity Management Implications

9.1 Associated risks are mitigated by the Election Risk Register.

10.0 People Impact Assessment (PIA):

10.1 The PIA Screening Stage was completed and did not identify any potential or actual negative impact, therefore a full PIA was not required.

11.0 Other Corporate Implications

Community Safety

11.1 There are no community safety implications resulting from this report.

Sustainability

11.2 There are no sustainability implications resulting from this report.

Staffing & Trade Union

11.3 There are no issues relating to trade unions arising from this report.

Background Documents: None

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