

Report to:	COUNCIL
Relevant Officer:	Mark Towers, Director of Governance and Partnerships
Relevant Cabinet Member:	Councillor Lynn Williams, Leader of the Council
Date of Meeting:	10 February 2021

PROPER OFFICER AND CONSTITUTIONAL CHANGES

1.0 Purpose of the report:

- 1.1 To consider interim arrangements for the statutory Director of Children's Services position following a recommendation from the Chief Officers' Employment Committee and to consider constitutional changes allowing certain additional reports to be considered at the annual Budget Council meeting and moving the date of the Council's annual meeting.

2.0 Recommendation(s):

- 2.1 To confirm the appointment of the current Assistant Director of Children's Services to the interim statutory Director of Children's Services position in accordance with Section 18 of the Children's Act 2004 and to authorise the Chief Executive to assign that responsibility to the successful candidate for the permanent position should they commence employment with the Council in between ordinary Council meetings.
- 2.2 To agree to amend Procedural Standing Order 3.3 in Part 4a of the Procedural Standing Orders for Council and Committees, to allow Council to consider any decision making reports referred to it by a committee, the Executive, Council itself, or a Statutory Chief Officer at the annual Budget council meeting which cannot wait until the next ordinary Council meeting.
- 2.3 To move the date of the Annual Council meeting from 17 May until 24 May 2021, to take account of the possibility of by elections being held in early May 2021 and for the meeting to be held at 6pm.
- 2.4 To agree that the current Mayor and Deputy Mayor be put forward to the Annual Meeting to continue in office for the 2021/2022 municipal year, as set out in paragraphs 5.7 and 5.8 of this report.
- 2.5 Subject to the above decisions being taken, to authorise the Director of Governance and Partnerships to make the necessary changes to the Constitution and proceed with arrangements for the Annual Meeting.

3.0 Reasons for recommendation(s):

3.1 The Council has to agree interim arrangements for the statutory Director of Children's Services as a result of the retirement of the current Director with effect from end of March 2021.

3.2 The current Assistant Director of Children's Services has the relevant knowledge and skills to undertake the interim Director of Children's Services role and has the confidence of the Council's current Director of Children's Services and Department for Education (DfE) appointed improvement adviser.

3.3 Altering the status of the March Council meeting and moving the date of the Annual Council meeting will allow for better planning of Council business.

3.3a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.3b Is the recommendation in accordance with the Council's approved budget? Yes

3.4 Other alternative options to be considered:

There has to be an interim Director of Children's Services and in theory an external interim appointment could be made. The March Council meeting could stay as a financial budget meeting, but this may delay Council making decisions on reports referred to it. The Annual Meeting date could stay on the date agreed by Council or to another date but it is recommended to take a prudent approach and move the date back one week.

4.0 Council Priority:

4.1 The proposals help the Council achieve both its priorities. 'The economy: Maximising growth and opportunity across Blackpool' and 'creating stronger communities and increasing resilience'.

5.0 Background Information

5.1 **Director of Children's Services** - As members will be aware Mrs Diane Booth, the Council's statutory Director of Children's Services has made a decision to retire at the end of March 2021. The selection process has commenced to recruit a replacement, however, taking into account the process and notice periods, any successful applicant will not be in place prior to the current Director's departure. The Chief Officers' Employment Committee met on 26 January 2021 to agree its role in the recruitment process and consider a replacement interim Statutory Director.

- 5.2 The Council is therefore asked to agree the recommendation from the Chief Officers' Employment Committee that the current Assistant Director of Children's Services who has the relevant knowledge and skills to undertake the interim Director role (and has the confidence of the Council's current Director of Children's Services and DfE appointed improvement adviser) is also appointed as the interim statutory Director.
- 5.3 The statutory guidance for the roles and responsibilities of the Director of Children's Services, published by the Department for Education indicates that the Chief Executive can make an interim designation in circumstances where the Council is actively taking steps to fill a vacant post and where Council itself is not due to meet.
- 5.4 This scenario could occur should the successful candidate for the permanent position commence work in between ordinary Council meetings: if that is the case then the Council is also asked to confirm that the Chief Executive is authorised to designate that individual as an interim statutory Director of Children's Services in accordance with Section 18 of the Children's Act 2004. A report would then be brought to the next available ordinary Council meeting to confirm a permanent assignment of the statutory role.
- 5.5 **Budget Council Meeting** - The Council has for the last two years held its Budget Council in March with the next ordinary Council meeting not scheduled until June 2021. It is therefore recommended to allow decision making reports referred to Council by a committee, the Executive, Council itself, or a Statutory Chief Officer to be considered at the March Budget council meeting which cannot wait until the next ordinary Council meeting.
- 5.6 **Annual Council Meeting** - At the time of writing, the Prime Minister has indicated that the May elections will take place. For Blackpool this would involve the Police and Crime Commissioner elections and possibly by-elections should these be called due to the two vacancies which currently exist. With a possibility of by-elections being held in early May then it would be prudent to move the Annual Meeting back a week, to allow political balance arrangements to be determined.
- 5.7 **Mayor Elect** - This Council meeting usually proposes the Mayor Elect for the forthcoming Municipal Year and this is done following consultation with the Group Leaders. The current pandemic has severely impacted the role of the Mayor and Deputy Mayor over the last nine months, a situation that is likely to continue into the municipal year coming with many events unable to take place along with the inability to hold a formal Mayor-making ceremony. Some of the Lancashire councils have agreed to continue with their current Mayor until 2022.

5.8 In view of the above, discussions have taken place with the Group Leaders and the current Mayor Elect (Cllr Cox) and it is recommended that the current Mayor and Deputy Mayor continue in office for the forthcoming municipal year with the situation being informally reviewed in the autumn. If the situation was vastly different at that time, then the Mayor could step down and a new Mayor be appointed. In terms of the annual Council meeting, It is also suggested that as this will not involve the usual Mayor-making ceremony, it should be held at the usual Council meeting time of 6pm.

5.9 Does the information submitted include any exempt information? No

List of Appendices:

None.

6.0 Legal considerations:

6.1 The Children's Act 2004, states that the Council must have a Statutory Director of Children's Services designated. The Council's Constitution currently states that the Budget meeting should consider only budget related items. The Mayor and Deputy Mayor serve from Annual Meeting to Annual Meeting, as set out in the Council's Constitution.

7.0 Human Resources considerations:

7.1 A transition plan is in place to ensure the interim Director of Children's Services is supported to ensure Blackpool Families Rock (BFR)' restorative approach and the improvement journey continue at pace and without disruption.

8.0 Equalities considerations:

8.1 Equality considerations would be considered as part of the appointment and designation process for the Director of Children's Services. Arrangements for Council meetings need to ensure that members of the public can see and where permitted under the constitution safely take part.

9.0 Financial considerations:

9.1 There are no other financial considerations relating to the proposals in this report.

10.0 Risk management considerations:

10.1 An interim appointment of Statutory Director of Children's Services means that there is an officer with the relevant knowledge, experience and skills to be accountable for

the Council's duties in relation to the Children's Act 2004. Allowing decision making reports at the Budget Council meeting will not slow down decision making unnecessarily.

11.0 Sustainability, climate change and environmental considerations:

11.1 There are none associated directly with this report.

12.0 Internal/ External Consultation undertaken:

12.1 The recommendation for the interim statutory Director of Children's Services has come from the Chief Officer's Employment Committee and consultation has taken place with the Group Leaders over the Mayor and Deputy Mayor Elect and the Annual Meeting.

13.0 Background papers:

13.1 None