

## SLOUGH BOROUGH COUNCIL

**REPORT TO:** Council

**DATE:** 28<sup>th</sup> November 2024

**CONTACT OFFICER:** Sukdave Ghuman – Director of Law and Governance and Monitoring Officer

**WARD(S):** All

### PART I FOR NOTING

#### APPOINTMENT OF CHIEF EXECUTIVE (HEAD OF PAID SERVICE)

##### 1 Summary and Recommendations

- 1.1 This report asks Council to note the decision by Commissioners to appoint Will Tuckley to the position of Chief Executive, designated as Head of Paid Service and the Secretary of State's decision to nominate him as a Managing Director Commissioner.

##### **Recommendations:**

Council is recommended to:

- (a) note the decision by Secretary of State for Housing, Communities and Local Government to nominate Will Tuckley as a Managing Director Commissioner by letter of 20 November 2024 as set out in Appendix 1.
- (b) note the decision of the lead commissioner to confirm the appointment of Will Tuckley as Chief Executive, designed as Head of Paid Service, to a continuing period from 20 November 2024 as set out in Appendix 2.

**Reason:** The Council has a statutory obligation to appoint a Head of Paid Service. This role is designated under the Council's constitution to the post of Chief Executive. Mr Tuckley was appointed to the role in April 2024 on an interim basis pending a decision on whether the statutory intervention would continue post November 2024. The Secretary of State has now decided to continue the intervention for a further two years and has decided that there is a need for a managing director commissioner. The decision of the Secretary of State and the lead commissioner mean that Will Tuckley will continue in his role as Chief Executive, fulfilling the statutory function of the Head of Paid Service, at the same time as holding the full powers of a commissioner.

##### 2 Report

- 2.1 The Council has not had a full-time permanent Chief Executive since April 2024.
- 2.2 The Secretary of State Directions of 1 December 2021 state that the Government-appointed Commissioners at the Council shall exercise the function of appointing and dismissing of persons to positions the holders of which are to be designated as statutory officers and statutory officer is defined as including the head of paid service. The function includes designating the person as a statutory officer and

determining their terms and conditions of employment. However, whilst the decision sits with the Commissioners, the post holder has a key responsibility to the whole Council and will work closely with all elected members. It is therefore appropriate for this decision to be reported to Council.

- 2.3 The decision by the Secretary of State means Will Tuckley is a commissioner with the expectation that he will remain in his role as Chief Executive. It was therefore necessary for the commissioners to confirm his appointment as Chief Executive on an ongoing basis. The role of Head of Paid Service must be fulfilled by an officer of the Council, therefore Will Tuckley must be deemed to be an officer by virtue of a contract of employment or contract for services. At present he is engaged via the Council's temporary worker agency. The Council will consider the most appropriate contractual arrangement to reflect Mr Tuckley's dual role as a commissioner and Chief Executive and ensure the arrangement is in line with the Secretary of State's terms of appointment.
- 2.4 The top of the salary grade for the Chief Executive is £186,960 based on full time working (this is not on-costed, so the total cost to the Council will be higher based on approximately 31% employer contributions to take account of national insurance and pensions). MHCLG has stated the expectation that the Council will pay a rate of £1,100 per day up to 260 days per year. The Council can pay an honorarium to reflect the unique nature of the role of Managing Director Commissioner and Chief Executive, so long as this is in accordance with its published Pay Policy (or is otherwise justifiable and transparent). The relevant paragraphs from the Council's published Pay Policy are set out below:

#### Honoraria

An honoraria payment may be made to an employee, including to a chief officer, in recognition of undertaking temporarily additional or outstanding extra work, which is: -

- Outside the normal scope of the duties and responsibilities of the employee
- Over an extended period undertaking part of the duties of a higher graded post
- Or where the additional duties and responsibilities are exceptionally onerous
- Or in situations which merit the employee being rewarded for specific work.

- 2.5 The rationale for the honorarium is based on the duties of a Managing Director Commissioner and Chief Executive being outside the normal scope of duties and responsibilities for the employee and over an extended period of up to 18 months. The clear expectation is that the individual should be funded for the commissioner responsibilities at a rate of £1,100 per day and the post holder is currently remunerated at this rate via an agency arrangement. It is also of note that Will Tuckley is a highly experienced senior local government professional, having operated as a chief executive since 2008 and worked in a variety of local authorities, including London Boroughs and unitary councils. He therefore brings a wealth of experience to the role.
- 2.5 There were no well-founded objections made by any member of the Cabinet and, therefore, the decision has been confirmed by the commissioners and an offer of appointment has been made.

### **3. Implications of the Recommendation**

#### **3.1 Financial implications**

- 3.1.1 The post holder will undertake the role of Chief Executive and Head of Paid Service. Whilst the salary arrangement is higher than the grading for the Chief Executive post, it reflects what is already being paid to the post holder via an agency arrangement and the expectations of the Secretary of State.
- 3.1.2 The post holder is currently engaged via an agency arrangement, working approximately 4 days per week. The approximate cost to the Council of this arrangement via an agency arrangement is between £205,000 and £230,000 depending on how much annual leave is taken. If the post holder undertook the role on a full time basis, up to the maximum of 260 days, as set out in the Secretary of State's appointment letter, this would cost a maximum of £286,000 and £253,000 if the post holder took 30 days leave (this is the total cost to the Council, inclusive of employer contributions).

#### **3.2 Legal implications**

- 3.2.1 The Council is obliged under section 4(1) of the Local Government and Housing Act 1989 and the Local Authorities (Standing Orders) (England) Regulations 2001 to designate one of its officers to the role of head of paid service. This decision is reserved to Full Council.
- 3.2.2 The rules governing recruitment and appointment of chief officers are set out in the Constitution. This includes the need for elected members to decide on these appointments, except when the Commissioners choose to exercise their intervention powers, or an interim is being appointed pending permanent recruitment. The MHCLG statutory Directions give powers to the appointed MHCLG Commissioners to make decisions on senior officer recruitment for the top three tiers of the organisation and specifically refers to decisions in relation to the statutory governance officers, which include the head of paid service. An offer of employment as a chief officer shall only be made where no well-founded objection from any member of the Cabinet has been received.

#### **3.3 Risk management implications**

- 3.3.1 The risks of not making the necessary improvements to the Council are considerable. A key risk is not being able to make the necessary improvements in relation to leadership and governance. The intended post holder will play a key role in addressing these risks.

#### **3.4 Environmental implications**

- 3.4.1 Not applicable

#### **3.5 Equality implications**

- 3.5.1 Section 149 of the Equality Act 2010 requires public bodies to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

3.5.2 Recruiting and retaining a diverse workforce that reflects the wider community of Slough will help to meet this duty and ensure that proposals, decisions and service delivery is led and managed by staff with a diverse approach and background. The post holder will work as part of the wider corporate leadership team to fulfil this aim.

### 3.6 Workforce implications

3.6.1 The recommendation is to note the decision to recruit to a key statutory post to assist with the Council's recovery and improvement plans.

## 4. **Appendices**

**Appendix 1** – MHCLG appointment letter to nominate Will Tuckley as Managing Director Commissioner

**Appendix 2** – Lead Commissioner letter to appoint Will Tuckley as Chief Executive (Head of Paid Service)

## 5. **Background Papers**

None