

Meeting: [Employment Committee](#) **Date:** [30 September 2024](#)

Wards affected: [All wards in Torbay](#)

Report Title: [Head of Paid Service - Officer Appointment Delegation Arrangements](#)

When does the decision need to be implemented? [Immediately](#)

Director Contact Details: [Anne-Marie Bond, Chief Executive](#)

1. Purpose of Report

- 1.1 The Chief Executive, as Head of Paid Service, has delegated authority to make all officer appointments, except for Director or 'equivalent positions', as that power is reserved specifically to the Employment Committee. The Monitoring Officer has determined that 'equivalent positions' would include interim appointments to the position of Director.
- 1.2 The Employment Committee is asked to consider arrangements for interim arrangements and give the Chief Executive delegations to make interim Director appointments.

2. Reason for Proposal and its benefits

- 2.1 The proposals in this report help us to deliver our vision of a healthy, happy and prosperous Torbay by ensuring the Council is agile and efficient.
- 2.2 The reasons for the proposal and need for the decision are to ensure the Council can respond quickly where urgent and interim arrangements need to be made for Director posts.

3. Recommendation(s) / Proposed Decision

1. That the Chief Executive, as Head of Paid Service, in consultation with the Leader of the Council and Chairman/woman of the Employment Committee (where appointed), be given delegated authority to make interim Director appointments and to determine their terms and conditions of employment.

Background Documents

Torbay Council's Constitution

Supporting Information

1. Introduction

1.1 The Employment Committee's terms of reference include:

To determine appointments to post of Director or equivalent positions of the Council and senior management positions at Hay Grade 528 or above, or for the most senior management position where this is lower, for its wholly owned companies, including the terms and conditions of contracts, appointment procedures and arrangements.

1.2 The Chief Executive has delegated authority in the Officer Scheme of Delegation as set out below:

1.4 To determine the appointment of all officers (excluding the Head of Paid Service and Directors or equivalent positions so far as that power has been specifically reserved to be exercised by the Employment Committee).

1.5 To determine the terms and conditions of employment of all officers (excluding the Head of Paid Service and Directors or equivalent so far as that power has been specifically reserved to be exercised by the Employment Committee).

1.3 The current delegation arrangements do not enable interim Director appointments to be made where they are needed urgently and in order to cover any immediate and/or long term absences. The proposals in this report seek to address this.

2. Options under consideration

2.1 Not to provide delegated authority to the Chief Executive to make interim Director appointments and that these continue to be reserved for the Employment Committee. This option is not recommended due to the statutory timeframes involved in calling an Employment Committee, which would delay appointments where they are needed on grounds of urgency.

3. Financial Opportunities and Implications

- 3.1 Budgets for interim appointments would be identified within existing resources and confirmed by the Director of Finance.

4. Legal Implications

- 4.1 The Constitution sets out the Terms of Reference for the Employment Committee and Officer Scheme of Delegation. The Employment Committee has the power to delegate to an officer matters within its terms of reference.

5. Engagement and Consultation

- 5.1 Not applicable

6. Procurement Implications

- 6.1 Not applicable.

7. Protecting our naturally inspiring Bay and tackling Climate Change

- 7.1 Not applicable.

8. Associated Risks

- 8.1 If the proposals are not adopted, there are risks that service delivery will be impacted due to lack of leadership capacity at Director level.

9. Equality Impact Assessment

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age	<p>18 per cent of Torbay residents are under 18 years old.</p> <p>55 per cent of Torbay residents are aged between 18 to 64 years old.</p> <p>27 per cent of Torbay residents are aged 65 and older.</p>	<p>There is no differential impact caused by the implementation of the delegations to the Chief Executive. HR Policies will be followed for recruitment of interim Directors which cover equality considerations.</p>	<p>Not applicable</p>	<p>Not applicable</p>
Carers	<p>At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.</p>	<p>There is no differential impact caused by the implementation of the delegations to the Chief Executive. HR Policies will be followed for recruitment of interim Directors which cover equality considerations.</p>	<p>Not applicable</p>	<p>Not applicable</p>
Disability	<p>In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by a physical or mental health condition or illness.</p>	<p>There is no differential impact caused by the implementation of the delegations to the Chief Executive. HR Policies will be followed for recruitment of interim Directors which cover equality considerations.</p>	<p>Not applicable</p>	<p>Not applicable</p>

Gender reassignment	In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England.	There is no differential impact caused by the implementation of the delegations to the Chief Executive. HR Policies will be followed for recruitment of interim Directors which cover equality considerations.	Not applicable	Not applicable
Marriage and civil partnership	Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.	There is no differential impact caused by the implementation of the delegations to the Chief Executive. HR Policies will be followed for recruitment of interim Directors which cover equality considerations.	Not applicable	Not applicable
Pregnancy and maternity	Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the South West (58.4). There has been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas.	There is no differential impact caused by the implementation of the delegations to the Chief Executive. HR Policies will be followed for recruitment of interim Directors which cover equality considerations.	Not applicable	Not applicable
Race	In the 2021 Census, 96.1% of Torbay residents described their ethnicity as white. This is a higher proportion than the South West and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay	There is no differential impact caused by the implementation of the delegations to the Chief Executive. HR Policies will be followed for recruitment of interim Directors which cover equality considerations.	Not applicable	Not applicable

	classified as being amongst the 20% most deprived areas in England.			
Religion and belief	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	There is no differential impact caused by the implementation of the delegations to the Chief Executive. HR Policies will be followed for recruitment of interim Directors which cover equality considerations.	Not applicable	Not applicable
Sex	51.3% of Torbay's population are female and 48.7% are male	There is no differential impact caused by the implementation of the delegations to the Chief Executive. HR Policies will be followed for recruitment of interim Directors which cover equality considerations.	Not applicable	Not applicable
Sexual orientation	In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.	There is no differential impact caused by the implementation of the delegations to the Chief Executive. HR Policies will be followed for recruitment of interim Directors which cover equality considerations.	Not applicable	Not applicable
Armed Forces Community	In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay, 5.9 per cent of the population have previously served in the UK armed forces.	There is no differential impact caused by the implementation of the delegations to the Chief Executive. HR Policies will be followed for recruitment of interim Directors which cover equality considerations.	Not applicable	Not applicable
Additional considerations				

Socio-economic impacts (Including impacts on child poverty and deprivation)		There is no differential impact caused by the implementation of the delegations to the Chief Executive. HR Policies will be followed for recruitment of interim Directors which cover equality considerations.	Not applicable	Not applicable
Public Health impacts (Including impacts on the general health of the population of Torbay)		There is no differential impact caused by the implementation of the delegations to the Chief Executive. HR Policies will be followed for recruitment of interim Directors which cover equality considerations.	Not applicable	Not applicable
Human Rights impacts		There is no differential impact caused by the implementation of the delegations to the Chief Executive. HR Policies will be followed for recruitment of interim Directors which cover equality considerations.	Not applicable	Not applicable
Child Friendly	Torbay Council is a Child Friendly Council and all staff and Councillors are Corporate Parents and have a responsibility towards cared for and care experienced children and young people.	There is no differential impact caused by the implementation of the delegations to the Chief Executive. HR Policies will be followed for recruitment of interim Directors which cover equality considerations.	Not applicable	Not applicable

10. Cumulative Council Impact

10.1 None.

11. Cumulative Community Impacts

11.1 None.