

Designation of Statutory Officers

SUMMARY

- 1.1 The temporary contract of the Interim Director of Finance, Mark Taylor, ends on 31 January 2018. Mr Taylor has been the council's designated Chief Finance Officer since 21 June 2017. The designation of a Chief Finance Officer is required under Section 151 of the Local Government Act 1972.
- 1.2 The Chief Executive, Paul Robinson, is to leave his role with the council to take up an equivalent role with Worcestershire County Council; his last day of employment here being 18 March 2018. Mr Robinson has been the council's designated Head of Paid Service since 28 January 2015. The designation of a Head of Paid Service is required under Section 4 of the Local Government and Housing Act 1989.
- 1.3 This report seeks to put in place arrangements for successors to these statutory designations upon the departure of the existing post holders.

RECOMMENDATION

- 2.1 To approve the appointment of Mr Don McLure as the Interim Strategic Director of Corporate Resources, and to designate to him the statutory role of Chief Finance Officer as required under Section 151 of the Local Government Act 1972 with effect from 1 February 2018.
- 2.2 To approve the appointment of Mrs Christine Durrant, currently Deputy Chief Executive, as Acting Chief Executive, and to designate to her the statutory role of Head of Paid Service as required under Section 4 of the Local Government and Housing Act 1989 with effect from the departure of Mr Robinson.
- 2.3 To approve the designation of Mr Andy Smith, Strategic Director of People Services, as Acting Deputy Chief Executive for the period of Mrs Durrant's proposed tenure as Acting Chief Executive.
- 2.4 To note and approve a departure from Officer Employment Procedure Rules OE9 and OE11 as detailed in paragraph 4.9 and 4.10 of this report.

REASONS FOR RECOMMENDATION

- 3.1 To ensure arrangements are in place for statutory designations beyond the departures of the existing Interim Director of Finance and the Chief Executive.

- 3.2 The departure from the Officer Employment Procedure Rules is recommended given the interim nature of the appointments and that both appointees are known to Council and have previously been through equivalent processes.

SUPPORTING INFORMATION

Interim Strategic Director of Corporate Resources and Section 151 Officer

- 4.1 Every local authority is required to designate a suitably qualified officer to act as Chief Finance Officer under Section 151 of the Local Government Act 1972. The role is usually referred to as 'the Section 151 Officer'.
- 4.2 Personnel Committee separately approved the establishment of a Strategic Director of Corporate Resources post on 2 November 2017, as part of the proposals for a senior management restructure. A diagram detailing the services under the new Strategic Director's responsibility is included at Appendix 2.
- 4.3 Recruitment to the new permanent post is ongoing. In the meantime, it is felt it would be appropriate to make an interim appointment to that post while there is an imminent necessity to find a replacement for the Interim Director of Finance due to the end of Mr Taylor's contract. The new interim appointment would be designated as Section 151 Officer.
- 4.4 Mr Don McLure is known to the council, having previously operated as both Director of Finance and then Corporate Director of Resources (later Strategic Director of Resources). He was the council's Section 151 Officer between 2007 and 2010. Mr McLure departed the council and spent six years in a similar capacity with the unitary Durham Council. Since retiring from permanent duties, he has performed interim roles at other councils. He is available to commence work immediately following the end of Mr Taylor's contract.

Acting Chief Executive and Deputy Chief Executive

- 4.5 Mr Paul Robinson departs the council on 18 March 2018. It is necessary to make an appointment to the statutory role of Head of Paid Service in accordance with Section 4 of the Local Government and Housing Act 1989.
- 4.6 The recruitment process has commenced but given likely notice periods it is anticipated that any permanent replacement as Chief Executive, who would become Head of Paid Service, may be unlikely to be able to commence duties until early summer.
- 4.7 Mrs Christine Durrant has worked for the council since 1997 and was initially confirmed as Acting Strategic Director for Neighbourhoods in January 2015. Having been selected by a councillor panel in December 2015, she commenced her permanent role as Strategic Director of Communities and Place and Deputy Chief Executive in March 2016.

- 4.8 In her capacity as Deputy Chief Executive, Mrs Durrant has frequently deputised for the Chief Executive and it would appropriate for her to be made Acting Chief Executive until a permanent successor is appointed.
- 4.9 It is proposed that Mrs Durrant's existing role as Deputy Chief Executive is backfilled by the Strategic Director of People Services, Mr Andy Smith, during this period. Mr Smith is a logical selection for this role as the remaining permanent appointment at this level. Arrangements are still to be considered for backfilling Mrs Durrant's substantive role as Strategic Director of Communities and Place.

Officer Employment Procedures

- 4.10 For appointments to Strategic Director roles, it would be normal practice under Officer Procedure Rule OE11 for a panel of members to interview a candidate or candidates. For the appointment of a Head of Paid Service, Council would normally make the decision following a recommendation from such a panel under Rule OE9.
- 4.11 Given the interim nature of these roles and that the proposed appointees are known to Council and have previously been through equivalent processes, it is recommended to avoid delay in ensuring appropriate arrangements are in place by departing from Rules OE9 and OE11.

Costs

- 4.12 The proposals will be funded within existing budgets. Mrs Durrant's commencement as Acting Chief Executive will commence upon the departure of Mr Robinson, so the council will only be paying the salary of one Chief Executive at any one time. Similarly, Mr McLure's duties will commence following the end of Mr Taylor's contract. The cost of establishing the post of Strategic Director of Corporate Resources was approved by Personnel Committee on 2 November 2017.

OTHER OPTIONS CONSIDERED

- 5.1 Undertaking recruitment procedures to make interim appointments following a selection process. This is an option but is not considered necessary or efficient given the interim nature of the roles.

For more information contact: Background papers: List of appendices:	Paul Robinson 01332 643555 paul.robinson@derby.gov.uk None Appendix 1 – Implications Appendix 2 – Structure diagram for Strategic Director of Corporate Resources
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IMPLICATIONS

Financial and Value for Money

- 1.1 Funding for these interim arrangements can be contained within existing budgets, as detailed in paragraph 4.12 of the report.

Legal

- 2.1 Approval of the recommendations will ensure compliance with the necessity to designate statutory officers under Section 151 of the Local Government Act 1972 and Section 4 of the Local Government and Housing Act 1989.

Personnel

- 3.1 None beyond direct impact on the proposed appointees.

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- 4.1 None.

Equalities Impact

- 5.1 None.

Health and Safety

- 6.1 None.

Environmental Sustainability

- 7.1 None.

Property and Asset Management

- 8.1 None.

Risk Management and Safeguarding

- 9.1 None.

Corporate objectives and priorities for change

- 10.1 None.