



Derby City Council

COUNCIL
22 January 2020

ITEM 11

Report sponsor: Deputy Monitoring Officer
Report author: Acting Head of Democracy

Designation of Statutory Roles and appointment of Chief Executive

Purpose

- 1.1 Carole Mills announced her intention to retire from the position of Chief Executive of Derby City Council in December 2019. This report seeks approval for proposed interim arrangements and the consequential re-designation of statutory roles, whilst a permanent successor is identified.
- 1.2 Recommendations 2.1 to 2.3 address the following matters:
 - The appointment of an Acting Chief Executive and designation of the Head of Paid Service under Section 4 of the Local Government and Housing Act 1989;
 - The designation of proper officer roles associated with the current Chief Executive in relation to the administration of elections.
 - The designation of a Chief Finance Officer under Section 151 of the Local Government Act 1972.
- 1.3 This report also seeks to make arrangements for an Appointments Panel to recommend a candidate to fulfil the role of Chief Executive and Head of Paid Service on a permanent basis.

The recruitment exercise to this position has not yet commenced; Council approval is required under the Pay Policy to appoint to positions attracting salaries in excess of £100,000.

Recommendation

- 2.1 To approve the appointment of Paul Simpson as Acting Chief Executive and designate to him the statutory role of Head of Paid Service, as required under Section 4 of the Local Government and Housing Act 1989, with effect from 23 January 2020.
- 2.2 To designate Emily Feenan as the Council's Electoral Registration Officer and Returning Officer in accordance with the Representation of the People Acts, with effect from 23 January 2020.
- 2.3 To designate Simon Riley the statutory role of Chief Finance Officer, as required under Section 151 of the Local Government Act 1972 and Section 6 of the Local Government and Housing Act 1989, with effect from 23 January 2020.
- 2.4 To approve the principle of a recruitment process to the post of Chief Executive, as required under the council's Pay Policy, and for the Appointments Panel to recommend a candidate to Council for approval.

Reasons

- 3.1 To ensure compliance with the Council Constitution and relevant legislation, whilst also ensuring recruitment to the post of Chief Executive can progress expediently.

Supporting information

Designation of Head of Paid Service, Section 151 Officer and Proper Officer Roles

- 4.1 Section 4 of the Local Government and Housing Act 1989 requires every relevant authority to designate one of its officers as the Head of Paid Service, to discharge functions relating to the management and organisation of the council's staff. This role is currently performed by Carole Mills in her capacity as Chief Executive.
- 4.2 Following the announcement in December 2019 that Carole Mills intends to retire, it is proposed that the Deputy Chief Executive and Strategic Director of Corporate Resources, Paul Simpson, will fill the role of Chief Executive and Head of Paid Service on an acting basis for an initial period of six months, ahead of a recruitment exercise for a permanent successor.
- 4.3 It is also necessary to re-designate two proper officer roles that were previously assigned to Carole Mills, as the Council's Electoral Registration Officer and Returning Officer. It is proposed that Emily Feenan will fulfil these responsibilities on a permanent basis, in her capacity as Director of Legal, Procurement and Democratic Services and given her previous experience as a Deputy Returning Officer.
- 4.4 Paul Simpson currently occupies the role of Chief Finance Officer, under the requirements of Section 151 of the Local Government Act 1972 and Section 6 of the Local Government and Housing Act 1989. To ensure the separation of statutory responsibilities, recommendation 2.3 proposes that the current Director of Finance, Simon Riley, will be designated as the Council's Chief Finance Officer.

Appointment to the role of Chief Executive

- 4.4 The Scheme of Delegations and the Officer Employment Procedure Rules within the Council Constitution permit the Appointments Panel to make recommendations to Council about the permanent appointment of the Chief Executive and Head of Paid Service.
- 4.5 However, in accordance with Government guidance and the authority's Pay Policy, recruitment to any position attracting a salary in excess of £100,000 should be subject to a vote of Council. That approval is sought at recommendation 2.4.

Public/stakeholder engagement

- 5.1 The interim arrangements have been proposed in consultation with the Council Cabinet and Group Leaders.
- 5.2 As required under the Officer Employment Procedure Rules, any permanent appointment to the post of Chief Executive will be subject to recommendations from a cross-party appointments panel; a seven day period of consultation with members of the Council Cabinet; and, final approval by Council.

Other options

- 6.1 None. To not designate a Head of Paid Service would place the Council in breach of legislative requirements.

Financial and value for money issues

- 7.1 Funding for the post of Chief Executive is already established.

Legal implications

- 8.1 Approval of the recommendations will ensure compliance with Section 4 of the Local Government and Housing Act 1989; the Representation of the People Acts; Section 151 of the Local Government Act 1972; and, Section 6 of the Local Government and Housing Act 1989.

Other significant implications

- 9.1 None directly arising.

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal		
Finance		
Service Director(s)		
Report sponsor	Olu Idowu, Deputy Monitoring Officer	14 January 2020
Other(s)		

Background papers:	None.
List of appendices:	None.