

## **Urgent non-executive decisions taken by Chief Executive**

### **SUMMARY**

- 1.1 The Chief Executive is authorised to discharge non-executive functions of Council in cases of urgency (Part E of the Chief Executive's Area of Responsibilities within Part F of the Scheme of Delegations in the Council Constitution).
- 1.2 Two such decisions have been taken since the last meeting and they are detailed in this report.

### **RECOMMENDATION**

- 2.1 To note the decision taken to appoint Councillor West to Derby Hospitals NHS Foundation Trust Board of Governors, varying the previous decision on appointments to outside bodies approved by Council on 24 May 2017.
- 2.2 To note the decision to designate the statutory role of Chief Finance Officer under Section 151 of the Local Government Act 1972 to Mark Taylor following the voluntary redundancy of the former Director of Finance, Martyn Marples.

### **REASONS FOR RECOMMENDATION**

- 3.1 To update members on decisions taken using the Chief Executive's urgency powers.

### **SUPPORTING INFORMATION**

#### **Appointment to the Derby Hospitals NHS Foundation Trust Board of Governors**

- 4.1 Councillor Froggatt was appointed to the above role on a three-year term commencing 1 July 2017 at the Annual Meeting of Council on 24 May 2017. Councillor Froggatt was unable to take up the role and the council was asked on 16 June if it would be possible to appoint a replacement prior to 1 July 2017.
- 4.2 The matter would normally be determined by Council. Group Leaders were consulted and it was unanimously agreed by the Conservative, Liberal Democrat and UKIP groups that to avoid the need to delay for a vote of Council, those groups would not oppose a replacement Labour nomination, enabling the matter to be determined expediently.

- 4.3 Councillor West was subsequently nominated by the Labour Group and appointed using the Chief Executive's urgency powers on 20 June 2017. The Trust was advised accordingly.

#### **Designation of Section 151 Officer**

- 4.4 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.
- 4.5 It was confirmed that the previous Section 151 Officer, Martyn Marples, would leave the authority by voluntary redundancy, with his final day of work being 20 June 2017. In order to ensure compliance with the 1972 Act, it was proposed that Mark Taylor be designated Section 151 Officer, having fulfilled the role for a number of local authorities previously.
- 4.6 Group Leaders were consulted on the proposal and unanimously agreed.

#### **OTHER OPTIONS CONSIDERED**

#### **Appointment to the Derby Hospitals NHS Foundation Trust Board of Governors**

- 5.1 Delaying the matter until the meeting of Council would have meant the authority was not represented at the Board of Governors' first meeting on 5 July. The use of urgency provisions were preferred to adhere to the Trust's request.

#### **Designation of Section 151 Officer**

- 5.2 None. The council would have been in breach of the Local Government Act 1972 had actions not been taken to ensure an active designation following the exit of the previous Section 151 Officer.

**This report has been approved by the following officers:**

<b>Legal officer</b> <b>Financial officer</b> <b>Human Resources officer</b> <b>Estates/Property officer</b> <b>Service Director(s)</b> <b>Other(s)</b>	Janie Berry, Director of Governance     Janie Berry, Director of Governance
<b>For more information contact:</b> <b>Background papers:</b> <b>List of appendices:</b>	David Walsh 01332 643655 david.walsh@derby.gov.uk None Appendix 1 – Implications

<b>IMPLICATIONS</b>
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**Financial and Value for Money**

1.1 None.

**Legal**

2.1 None directly arising as the matters have already been determined. However, the legal implications that would have arisen had the urgency provisions not been used are explained in paragraph 5.2 of the report.

**Personnel**

3.1 None.

**IT**

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.