

Report

Council



Part 1

Date: 10 September 2019

Subject Appointment of Interim Chief Executive/Head of Paid Service

Purpose To delegate authority to a Member selection panel to deal with the appointment of an Interim Chief Executive/Head of Paid Service on behalf of Newport City Council

Author Rhys Cornwall, Head of People and Business Change
Gareth Price, Head of Law and regulatory Services

Ward ALL

Summary The current Chief Executive has given notice and will leave in early October. The Local Government and Housing Act 1989 requires a relevant local authority to designate an officer as Head of Paid Service, with personal responsibility for the discharge of the statutory duties attached to the role. Within the Council, the Chief Executive is designated as the Head of Paid Service and discharges these statutory responsibilities. Appointing an Interim Chief Executive will enable the continued discharge of these statutory responsibilities and ensure appropriate strategic leadership whilst a suitably high calibre candidate is sought to fulfil this role on a permanent basis. Should there be an election during this time then the Interim Chief Executive will also fulfil the role of Returning Officer.

Proposal The proposal is for Council to agree to delegate authority to an Appointments Committee to appoint an Interim Chief Executive/Head of Paid Service for six months, with an option to extend to 12 months delegated to the Leader, in consultation with the Heads of Law and Regulation and People and Business Change.

Action by Head of People and Business Change
Head of Law and Regulation

Timetable Immediate

This report was prepared after consultation with:

- Leader of the Council
- Head of Law and Regulation
- Head of People and Business Change

Please list here those officers and members you have consulted on this report.

Signed

Background

Will Godfrey, Chief Executive of Newport City Council, has tendered his resignation and will be leaving the organisation in early October 2019. Due to the short timescales it is not practical to go through a full recruitment process at this time, although clearly the desired position is to search the market for the best possible candidate to ensure the ongoing strategic leadership of the organisation and this will be the priority going forward.

In the meantime, the appointment of an Interim Chief Executive is the recommended way forward to mitigate risks associated with legal responsibilities and delivery of key strategic goals. The Chief Executive in Newport is the Head of Paid Service which is a requirement of the Local Government and Housing Act 1989. The Interim Chief Executive would fulfil this role.

There is also the possibility of an election in the period between the current Chief Executive leaving and a permanent officer being appointed. Therefore the Interim Chief Executive would also fulfil the role of Returning Officer should an election take place.

Whilst the Local Government (Standing Orders) (Wales) Regulations 2006 state that it is not necessary to advertise the post if a temporary appointment of no more than 12 months is being made Newport City Council has asked Welsh Local Government Association (WLGA) to assist by providing a shortlist of potential candidates who would be suitable for the interim role.

Council are asked to delegate the authority to appoint to the interim position to an Appointment Committee, in line with Council Standing Orders.

The appointment will be made at the first point of the approved salary scale for the Chief Executive and there will be no incremental progression beyond this point for the duration of the arrangements.

Initially these arrangements will be for a period of six months, with the option of extending this to 12 months should this be required. In the event of an extension being required, Council are asked to delegate this decision to the Leader of the Council, in consultation with the Heads of Law and Regulation and People and Business Change. The Interim post cannot be extended beyond 12 months.

Arrangements for the appointment of a permanent Chief Executive will be made at the earliest opportunity and recruitment options will be presented to the Leader for decision. This appointment will need to be made within the 12 month timescale.

Financial Summary

There is a marginal one-off cost saving in appointing an Interim Chief Executive on the first pay point within the Chief Executive pay-scale when compared to the current position of c£26k, based on a full 12 month period.

Risks

The proposal outlined above is presented to mitigate the risks associated with the current Chief Executive leaving the Authority. By appointing an to an interim position we

- Manage the legal responsibilities by ensuring we have a Head of Paid Service and Returning Officer in place at the earliest point
- Ensure on-going strategic leadership at the top of the organisation
- Have adequate time to search the market for the very best permanent Chief Executive for the Authority

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Failure to have a Head of Paid Service	H	L	Mitigated by following the recommendations in the report	Heads of L+R and PBC
Failure to appoint a Returning Officer in the event of an election	H	L	Mitigated by following the recommendations in the report	Heads of L+R and PBC

* Taking account of proposed mitigation measures

Links to Council Policies and Priorities

Appointment of an Interim Chief Executive enables the Council to continue to deliver against the Corporate Plan and Well-being Objectives that it has set.

Options Available and considered

1. Delegate authority to an Appointments Committee to appoint to the position of Interim Chief Executive for a six month period, as detailed in the report. Delegate authority to the Leader, in consultation with the Heads of Law and Regulatory Services and People and Business change to extend these arrangements to a maximum of 12 months.
2. Seek to share a Chief Executive with another Local Authority. Whilst this has been considered it is felt that this would not meet the requirements of Newport due to the time needed to lead services in Newport City Council.
3. Internally appoint to the interim position. Due the imminent retirement of the Strategic Director - People it is not felt that this is a viable option as it would essentially mean the loss of the entire Directors team from their current roles and could seriously impact on continuity.
4. Seek to externally appoint on a permanent basis. Whilst this is clearly the most desirable outcome in the medium term, time is required to ensure we appoint the best possible candidate. This is not possible within the current timescales.

Preferred Option and Why

Option 1 is the preferred option, for the reasons detailed above.

Comments of Chief Financial Officer

There is an established budget for the Chief Executive role and this appointment will be made at a fixed pay point within that, resulting in a small one-off cost saving over the first 12 month period.

Comments of Monitoring Officer

The proposed action is in accordance with the Council's statutory duties under the Local Government and Housing Act 1989 and the Local Government (Standing Orders) (Wales) Regulations 2006 (as amended). The Council is required to designate one of its officers as statutory Head of Paid Service and this role will need to be discharged on an interim basis until a permanent replacement Chief Executive can be appointed. The Chief Executive is also appointed by the Council as Returning Officer under the Representation of the People Act for the purposes of conducting elections and it would, therefore, be appropriate for the Interim Chief Executive to also fulfil this role. Provided that any interim appointment is for a fixed term of no longer than 12 months, then there is no legal requirement to advertise the vacancy and undertake an open recruitment process under the Staffing Regulations. However, any interim appointment will still need to be agreed by Council as this is a reserved function. Because of the need to

recruit quickly, it is recommended that delegated power to appoint an Interim Chief Executive should be granted to a cross-party Appointments Panel. In accordance with the Staffing Regulations, the Appointments Panel will be constituted as a politically balanced sub-committee of the Council and at least one but not more than half the Panel must be members of the executive. Therefore, it is recommended that the Panel should comprise 7 elected members, made up of 4 Labour councillors (at least 1 and no more than 3 of whom must be cabinet members), 1 Conservative councillor, 1 Liberal Democrat councillor and 1 Newport Independent councillor. It is recommended that any appointment would, initially, be for a fixed term of 6 months with a discretion to extend for up to 12 months, that decision being delegated to the Leader in consultation with the relevant Heads of Service.

Comments of Head of People and Business Change

As the report author the commentary is included within the body of the report.

Comments of Cabinet Member

The content of this report have been discussed and agreed with the Leader of the Council.

Local issues

There are no local issues for consideration.

Scrutiny Committees

N/A

Equalities Impact Assessment and the Equalities Act 2010

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

Children and Families (Wales) Measure

Although no targeted consultation takes place specifically aimed at children and young people, consultation on planning applications and appeals is open to all of our citizens regardless of their age. Depending on the scale of the proposed development, applications are publicised via letters to neighbouring occupiers, site notices, press notices and/or social media. People replying to consultations are not required to provide their age or any other personal data, and therefore this data is not held or recorded in any way, and responses are not separated out by age.

Wellbeing of Future Generations (Wales) Act 2015

The five sustainable development principles have been considered when writing this report and recommending the preferred option.

- Long term: by appointing to an interim position we have assessed the balancing of short- term needs with the need to safeguard the ability to also meet long – term needs. We feel that the interim arrangement allows us the opportunity to make the biggest impact in this area.

- Prevention: by choosing the preferred option we have considered the potential impacts and believe this will mitigate negative impacts the most effectively
- Integration: it is imperative to have leadership consistent with the values and goals of the Authority and the recommended proposal has considered this
- Collaboration: it is not appropriate in this instance to collaborate with another organisation.
- Involvement: this can be considered as part of the selection process

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

Consultation

N/A.

Background Papers

Set out a list of any relevant background papers and whether they are available to the public.

Dated: 10 September 2019