

# Nottingham City Council Delegated Decision



**Nottingham**  
**City Council**

<b>Reference Number:</b>	4357
<b>Author:</b>	Rachael Morris
<b>Department:</b>	Finance and Resources
<b>Contact:</b>	Richard Henderson (Job Title: Director for Human Resources and EDI, Email: richard.henderson@nottinghamcity.gov.uk, Phone: 01158763443)
<b>Subject:</b>	Interim Corporate Director for Finance and Resources (including Section 151 Officer) - costs
<b>Total Value:</b>	£134,550 (Type: Revenue)
<b>Decision Being Taken:</b>	To retrospectively approve the cost of an Interim Corporate Director for Finance and Resources (including Section 151 Officer) on a temporary basis between 1 April 2021 and 30 September 2021.
<b>Reasons for the Decision(s)</b>	<p>The Chief Executive, as statutory Head of Paid Service under the Local Government and Housing Act 1989, is required to set out the number and grades of staff required for the Council to perform its functions. The Chief Executive brought forward a report for the Appointments and Conditions of Service Committee (ACOS) on 19 February 2021 to create four Corporate Director roles, to ensure that the high-level officer structure has sufficient capacity and capability to deliver on the Council's policy priorities and statutory responsibilities. Part of the ACOS report was a recommendation to approve the change in designation of the current Interim Director of Strategic Finance to Interim Corporate Director for Finance and Resources on a temporary basis, pending permanent subsequent recruitment. The report was approved as submitted.</p> <p>Changing the designation of the current Interim Strategic Director for Finance to the Interim Corporate Director of Finance and Resources allows the Council to maintain continuity over the period of this decision, pending wider decisions on recruitment timelines, which may result in an extension of interim arrangements and a further delegated decision.</p>

**Other Options Considered:** 1) To do nothing and hold the vacancy: this option is not recommended, due to the significant leadership and financial expertise required in this post of Interim Corporate Director of Finance and Resources. Leadership at this level is required within the Council for the Finance and Resources Directorate and, coupled with this, the Chief Executive needs to ensure that the oversight of the Section 151 responsibilities are appropriately governed and delivered at this critical time. It would create significant risks to have this post vacant.

2) To introduce an acting up arrangement: this option is not recommended. Under Section 151 of the Local Government Act 1972, the Council is required at all times to have a designated officer to carry out the specified duties in the Act.

3) To appoint on a permanent basis: this option is in scope but not recommended for this decision. The option to recruit to a permanent post-holder is currently being scoped and decisions on timelines will be made. The interim candidate is expected to work with the Chief Executive to support the shaping and positioning of the role. It is anticipated that the interim tenure would be for an initial 6-month period with a possibility of a new delegated decision to extend pending recruitment timescales.

**Background Papers:** None

**Published Works:** None

**Affected Wards:** Citywide

**Colleague / Councillor Interests:** None

**Consultations:** Date: 19/02/2021  
Other City Council Bodies: Appointments and Conditions of Service Committee  
A report by the Chief Executive to launch consultation on the Council's High Level Structure Review 2021 and associated recommendations were agreed by the Committee.

Those not consulted are not directly affected by the decision.

**Crime and Disorder Implications:** None arising from this decision.

**Equality:** EIA not required. Reasons: The decision does not represent proposals for a new or changing policy, service or function.

**Relates to staffing:** Yes

**Decision Type:** Portfolio Holder

**Subject to Call In:**

Yes

**Call In Expiry date:**

03/09/2021

**Advice Sought:**

Legal, Finance, Procurement, Human Resources

**Legal Advice:**

This report seeks authority to allocate the funding for the appointment of the Interim Corporate Director for Finance and Resources. The appointment must follow the ACOS recommendations and a contract should be put in place which follows the advice from HR colleagues. The current appointment is through an executive search agency procured through a compliant ESPO framework and therefore the continued use of this contract raises no significant legal issues from a contracting and procurement perspective. The contract with the executive search agency should be reviewed for any exit/termination fees or for restrictive covenants which may apply if the City Council's proposals were to include the direct appointment of the Interim Corporate Director.

Advice provided by Naomi Vass (Senior Solicitor) on 30/07/2021.

**Finance Advice:**

The cost of this decision is £0.135m and is to be funded from the existing Medium Term Financial Plan budget for the Director of Finance contained within Finance and Resources, amounting to £0.139m. Because of this, this decision in isolation is affordable and creates no financial pressure. However, it should be noted that the remaining £0.004m of this available budget is insufficient to fund in full the permanent recruitment to this post after this 6 month interim appointment.

As funding for the post after this 6 month interim is insufficient it is anticipated that there will be a one-off 2021/22 in-year pressure. The in-year pressure will need to be captured as part of period forecasting when confirmation of recruitment and the financial value is known. Finance and Resources Directorate will need to be proactive in finding funding to mitigate this pressure (when known) from across the Directorate in order to minimise the adverse financial impact to the organisation.

Advice provided by Philip Gretton (Finance Analyst) on 26/07/2021.

**Procurement Advice:**

Previously HR have engaged with procurement to ensure compliance with the Council's financial regulations and contract procedure rules to undertake a direct call-off via a compliant ESPO framework. Use of compliant third-party frameworks, such as those offered by ESPO, is allowed under the Contract Procedure Rules. Procurement supports the use of third-party frameworks in appropriate situations and where it can be demonstrated that they provide value for money. On this basis there are no procurement concerns with the approach.

Advice provided by Steve Oakley (Head of Contracting and Procurement) on 30/07/2021.

**HR Advice:**

**This decision seeks to approve a change in designation to the Interim Director of Strategic Finance to the Interim Corporate Director for Finance and Resources on a temporary basis, pending permanent recruitment.**

**The report author will need to ensure that there are clearly defined measurable and SMART outcomes for the interim during the decision period. An appropriate exit strategy must be in place before termination of the interim arrangement when a new post holder commences through the permanent recruitment process.**

**The report author has indicated that the Interim Corporate Director will support the shape of the future service and the role. The Interim Corporate Director for Finance & Resources was contracted by an Executive Agency, and this contract is inside IR35 guidelines, therefore a new contract should be issued reflecting this change in designation.**

**Advice provided by Rachael Morris (HR Business Partner) on 20/07/2021.**

**Signatures**

<b>Sam Webster (PH Finance and Resources)</b>
<b>SIGNED and Dated: 26/08/2021</b>
<b>Mel Barrett (Chief Executive)</b>
<b>SIGNED and Dated: 16/08/2021</b>