

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:	4466
Author:	Rachael Morris
Department:	Finance and Resources
Contact:	Rachael Morris (Job Title: HR Business Partner, Email: rachael.morris@nottinghamcity.gov.uk, Phone: 01158763459)
Subject:	Interim Corporate Director for Finance and Resources (including Section 151 Officer)
Total Value:	134,550 (Type: Revenue)
Decision Being Taken:	To grant retrospective approval for the costs of an Interim Corporate Director for Finance and Resources (including Section 151 Officer) for a continued temporary basis from 1 October 2021 to 31 March 2022, an extension to the arrangements of delegated decision 4357.
Reasons for the Decision(s)	<p>As per the reasons outlined in delegated decision 4357, 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>Following final decisions with the Leader and the Chief Executive on recruitment timelines for the permanent Corporate Director for Finance & Resources (including the section 151 officer), there is a requirement for the council to continue with the current interim arrangements until 31 March 2022, when we would be expecting a new post holder to have commenced in employment.</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 for this post to be 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 being implemented but not recommended as part of this decision. The interim candidate is expected to work with the Chief Executive to support the shaping and positioning of the role. The extension of the interim arrangement is expected to cease by 31 March 2022, the permanent recruitment process is due to commence imminently, meaning a candidate will be in post by the end of this interim contract.

Background Papers: None

Published Works: Delegated Decision: 4357 Interim Corporate Director for Finance and Resources (including Section 151 Officer) - costs: August 2021

Affected Wards: Citywide

Colleague / Councillor Interests: None

Consultations: 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.

Social Value Considerations: None

Relates to staffing: Yes

Decision Type: Portfolio Holder

Subject to Call In:

Yes

Call In Expiry date:

10/12/2021

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 10/09/2021.

Finance Advice:

The cost of this decision is £0.135m for the period 1st October 2021 to 31st March 2022. This decision builds on a previous DDM approving the spend of the same value for the period 1st April 2021 to 30th September 2021.

The initial 6 month spend (1st April 2021 to 30th September 2021) was funded from the existing Medium Term Financial Plan budget for the Director of Finance contained within Finance and Resources, amounting to £0.139m. As contained within the comments on the previous decision, the remaining budget available in 2021/22 for the period 1st October 2021 to 31st March 2022 is £0.004m and is therefore insufficient to fund further permanent recruitment or post extension. Due to this a financial pressure was expected once recruitment or extension to this post was confirmed.

As a result of the above and this decision, funding availability for the 6 month extension is insufficient and a one-off financial pressure of £0.131m is anticipated in 2021/22 in Finance and is captured as part of period forecasting across Finance and Resources. The current forecast across Finance and Resources however, as at period 4, shows a £0.288m underspend which suggests mitigation of this additional unfunded cost in full is expected. Finance and Resources Directorate will need to continue to be proactive in finding funding to mitigate this pressure from across the Directorate in order to minimise any adverse financial impact to the organisation. Advice provided by Philip Gretton (Finance Analyst) on 09/09/2021.

Procurement Advice:

The original contract has been secured in a compliant manner via and ESPO framework, therefore the continuation of this arrangement does not raise any procurement issues. Procurement will support with ensuring the extension is completed in line with the terms of the framework. Advice provided by Steve Oakley (Head of Contracting and Procurement) on 10/09/2021.

HR Advice:

This decision seeks to extend the temporary Interim Corporate Director for Finance and Resources from 1 October 2021 to 31 March 2022, owing to the pending permanent recruitment. The original engagement of this worker complied with the Council's Constitution.

The report author will need to ensure that there are clearly defined measurable and SMART outcomes for the interim during the decision period and an appropriate exit strategy and handover to the permanent post holder should be in place for a smooth transition and handover.

The Interim Corporate Director for Finance & Resources is contracted through an Executive Agency, this contract is inside IR35 guidelines, therefore a new contract should be issued reflecting this extension. Advice provided by Rachael Morris (HR Business Partner) on 06/09/2021.

Signatures

Sam Webster (PH Finance and Resources)
SIGNED and Dated: 03/12/2021
Mel Barrett (Chief Executive)
SIGNED and Dated: 29/11/2021