

Urgent Non-Executive Decision taken by the Chief Executive under Delegation 24

06/05/2022

Committee that would usually have taken the report – Appointments and Conditions of Service Committee

Title of paper:	Contract Extension for Interim Corporate Director of Finance and Resources		
Director(s)/ Corporate Director(s):	Richard Henderson, Director for HR and EDI	Wards affected: N/A	
Report author(s) and contact details:	Richard Henderson, Director for HR and EDI, richard.henderson@nottinghamcity.gov.uk		
Other colleagues who have provided input:	N/A		
Date of Consultation with Chair or Vice Chair in accordance with 9.14 of the Constitution	09/05/2022		
Date of Consultation with the Opposition Representative in accordance with 9.14 of the Constitution	06/05/2022		
Date of consultation with Leader in accordance with para 14.15 of the Constitution	Consultation with Leader of the Council, 05/05/2022		
Does the report contain any information that is exempt from publication? No			
Relevant Council Plan Key Theme:			
Nottingham People			<input checked="" type="checkbox"/>
Living in Nottingham			<input type="checkbox"/>
Growing Nottingham			<input type="checkbox"/>
Respect for Nottingham			<input type="checkbox"/>
Serving Nottingham Better			<input checked="" type="checkbox"/>
Summary of issues (including benefits to citizens/service users): To make a fixed term appointment to the post of Corporate Director for Finance and Resources and Section 151 Officer until 31 st March 2023.			
Recommendation(s):			
1	To appoint Clive Heaphy to a fixed term post of Corporate Director for Finance and Resources and Section 151 Officer until 31 st March 2023.		

1 Reasons for recommendations

- 1.1 An interim appointment was secured with Penna in November 2020. The existing arrangements for the current post holder expire at the end of June 2022. A permanent recruitment process was unsuccessful and given the difficult position the Council currently finds itself in the Council requires continuity, certainty and stability in relation to

its Corporate Director for Finance and Resources and Section 151 Officer arrangements. It is proposed that the Interim Corporate Director for Finance and Resources and Section 151 Officer is offered a fixed term appointment to the end of the financial year. This will provide the Council with the required level of continuity certainty and stability in relation to our existing arrangements. A process to recruit a permanent appointment will be run alongside the fixed term appointment.

2 Background (including outcomes of consultation)

- 2.1 This is a decision taken within agreed budgets and spending limits and does not involve a change or new policy. This decision will be funded by utilising the budget for the permanent Corporate Director of Finance & Resources until a permanent replacement is in post. Proposals for the permanent recruitment will be progressed in due course to allow for a smooth transition and handover to take place.
- 2.2 A review by an independent investigator and the Chartered Institute of Public Finance and Accountancy (CIPFA), both commissioned by Nottingham City Council identified that the Council acted unlawfully in relation to breaches of the HRA Ring Fence. Continued action is required to oversee the financial management of the Council and provide much needed stability and capacity.

3 Other options considered in making recommendations

- 3.1 To not appoint to the post, however this would leave a significant resourcing gap with both the Corporate Director for Finance and Resources and statutory role of Chief Finance Officer (Section 151 Officer) vacated for a period. This option is not viable and was rejected.
- 3.2 To appoint an alternative interim whilst recruitment is carried out. The current interim has been in post for over twelve months, appointing a further interim would be disruptive and cause instability and uncertainty. This option is not viable and was rejected.
- 3.3 ACOS to make an interim appointment. This was rejected as the Council needs to demonstrate that it has taken the necessary urgent action to secure the appointment of the Corporate Director for Finance and Resources and Section 151 officer to ensure the stability of the Council's finance function.

4 Consideration of risk

- 4.1 N/A

5 Finance colleague comments (including implications and value for money/VAT)

- 5.1 The nine month budget for the Corporate Director for Finance and Resources from July 2022 to March 2023 is £0.152m and the total costs of the fixed term contract with on costs is £0.188m. The budget shortfall will be contained within existing Finance resources due to other staffing vacancy savings.

Jo Worster – Team Leader Strategic Finance 9 May 2022

6 Legal colleague comments

This decision is being taken in accordance with paragraph 9.14 of the constitution which allows the Chief Executive to take any non-executive decision which he considers to be urgent and cannot be delayed until a meeting can be convened. These decisions should be taken, wherever possible, after consultation with the chair or vice chair and with the main minority party spokesperson. The Vice Chair has been consulted, as has the main minority party spokesperson. This decision must be recorded in accordance with the current corporate requirements and open to public inspection.

The Council is required under Section 151 of the Local Government Act 1972 to make arrangements for the proper administration of their financial affairs and appoint a Chief Financial Officer, also known as a s.151 Officer, to have responsibility for those arrangements. The Corporate Director for Finance and Resources carries out this statutory function at Nottingham City Council.

This fixed term arrangement is an interim appointment in accordance with Article 14.5 of the Constitution. The employee will be offered a fixed term appointment on standard Council contract terms and conditions.

Beth Brown, Head of Legal and Governance, 9 May 2022

7 Other relevant comments

7.1 N/A

8 Equality Impact Assessment (EIA)

8.1 Has the equality impact of the proposals in this report been assessed?

No

An EIA is not required because:

(Please explain why an EIA is not necessary) This decision does not impact on any policies or services.

Yes

Attached as Appendix x, and due regard will be given to any implications identified in it.

9 Data Impact Assessment (if applicable)

9.1 N/A

10 Carbon Impact Assessment (if applicable)

10.1 N/A

11 List of background papers other than published works or those disclosing confidential or exempt information

11.1 None.


12 Published documents referred to in compiling this report

12.1 Decision Reference Number 4593

13 Consultation

13.1 Consultation has taken place with the Leader of the Council, the Portfolio Holder for Finance and Resources, and the Vice Chair (in the absence of the Chair) and the opposition spokesperson on the Appointments and Conditions of Service Committee. All were supportive of proposed recommendation.

14 Approval

Approving Officer Name	Mel Barrett, Chief Executive
Approving Officer Signature	
Date of Approval	09/05/2022