



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

COUNCIL

23 MARCH 2021

Report of the Managing Director

Appointment to the role of Executive Director Corporate Services and Transformation

1. Purpose

- 1.1 To seek approval from Council to approve the salary package for the role of Executive Director Corporate Services and Transformation and to extend the interim acting up arrangement should this be necessary. To delegate the appointment of the Executive Director Corporate Services and Transformation to the recruitment panel formed to progress the recruitment to this position.

2. Information and Analysis

- 2.1 Following the appointment of Emma Alexander as Managing Director, the Executive Director for Corporate Services and Transformation became vacant. Interim internal acting up arrangements have been made as approved by Council on 1st December 2021 and these are in place until 9th July 2022 or sooner should a permanent appointment be made.
- 2.2 The Council's constitution requires a politically balanced Panel of at least three members to be formed comprising the Cabinet Member or Members holding the relevant portfolio or portfolios, the Shadow Cabinet Members and additional Members from the Appointments and Conditions of Service Committee as necessary to balance the Panel to progress the recruitment of an Executive Director.

- 2.3 Additionally, arrangements have been made to draw up a job and person profile specifying the duties, qualifications and qualities required to undertake the role. Accordingly, the role will be advertised as widely as possible to attract the widest possible field of applicants following Full Council approval.
- 2.4 The provisional dates for interviews for this role will take place in early May 2022. It is anticipated that the Panel will have identified the successful candidate and be in a position to propose their appointment to the role at this point in time. A report would then need to be presented to the next Council meeting scheduled for 25 May 2022 to formally approve the appointment. Until approval is given, a formal offer of appointment cannot be made and this would likely prevent any candidate from tendering their resignation with their current employer prior to the Council meeting and delay the candidate starting. The role is a critical role within the Council and is part of the Council's Senior Leadership structure. It is considered necessary that a decision to approve the appointment should be made quickly to enable this post to be filled as soon as possible on a permanent basis.
- 2.5 As a result, in order to avoid delay, Council is asked to delegate the appointment to the role of Executive Director Corporate Services and Transformation to the recruitment panel formed to progress the recruitment to this position to ensure the role is filled as soon as is practically possible.
- 2.6 A subsequent report will be brought to Full Council that confirms the details of appointment.
- 2.7 It may also be necessary for the interim acting up arrangements to be extended beyond 9 July 2022. Therefore it is proposed that the Council authorise the Managing Director in consultation with the Chair and Vice-Chair of the Appointments and Conditions of Service Committee to agree an extension to the current acting up arrangements to 31st August 2022 or until such time a permanent candidate commences in role, whichever is sooner.
- 2.8 Whilst it is not a legislative requirement for Council to approve the appointment of an Executive Director, the statutory guidance issued under section 40 of the Localism Act 2011 does require Council or a meeting of members to vote before salary packages over £100,000 are offered.
- 2.9 The role of Executive Director Corporate Services and Transformation salary is determined by the Council's job evaluation scheme and has

been determined as Grade 20 £119,637 to £131,600 per annum of the Council's Pay structure. The terms and conditions for the post are set out in the Council's standard terms and conditions in the Derbyshire package. Council is therefore asked to approve the salary for the role of Executive Director Corporate Services and Transformation.

3. Alternative Options Considered

- 3.1 The Council could decide not to approve the salary for the Executive Director, Corporate Services and Transformation however this is a crucial established position within the Council's senior leadership structure.
- 3.2 The Council could also not decide to delegate the appointment of the Executive Director Corporate Services and Transformation to a recruitment panel and instead retain the power to approve the appointment. However, this would likely prevent any candidate from tendering their resignation with their current employer prior to the Council meeting and delay the candidate commencing employment.
- 3.3 In addition, should the Council not authorise the Managing Director to agree an extension to the current acting up arrangements, in consultation with the Chair and Vice-Chair of the Appointments and Conditions of Service Committee, this could result in the role being uncovered should an external candidate be appointed.

4. Implications

- 4.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

5. Appendices

- 5.1 Appendix 1 – Implications.

6. Recommendation(s)

That Council:

- a) approves the salary package for the role of Executive Director Corporate Services and Transformation as Grade 20 £119,637 to £131,600 per annum;
- b) delegates the appointment of the Executive Director Corporate Services and Transformation to the recruitment panel;
- c) authorises the Managing Director in consultation with the Chair and Vice-Chair of the Appointments and Conditions of Service Committee to

- agree an extension to the current acting up arrangements to 31st August 2022 or until such time a permanent candidate commences in role, whichever is sooner; and
- d) notes that a report confirming details of the successful candidate will subsequently be presented to Council.

7. Reasons for Recommendation(s)

- 7.1 To comply with the necessary legislative, statutory guidance and Constitutional requirements.
- 7.2 To ensure that the role of Executive Director Corporate Services and Transformation continues to be performed and the position is not left vacant for a period of time.
- 7.3 To ensure that Council approves the appointment to a senior post within the Council in accordance with the Constitution.

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Implications

Financial

- 1.1 The costs associated with this role can be met from within the Corporate Services and Transformation Department Budget.

Legal

- 2.1 Recruitment to the post of Executive Director Corporate Services and Transformation must be carried out in accordance with the Officer Employment Procedure Rules contained within Appendix 9 to the Constitution. The Rules specify that: "*The full Council will approve the appointment of the Head of Paid Service and Executive Directors following the recommendation of such an appointment by a politically balanced Panel of at least three members formed of the Cabinet Member or Members holding the relevant portfolio or portfolios, the Shadow Cabinet Members and additional Members from the Appointments and Conditions of Service Committee as necessary to balance the Panel.*" Whilst the decision to appoint to the post of Head of Paid Service must be made by full Council, Council can delegate authority to the Panel to approve the appointment of an Executive Director.
- 2.2 Under the Officer Employment Procedure Rules, prior to the appointment of the Executive Director, all executive members must be given the opportunity to object to the proposed recommendation before an offer of appointment can be made.
- 2.3 The Openness and accountability in local pay: Guidance under section 40 of the Localism Act provides that full council, or a meeting of members should be offered the opportunity to vote before large salary packages are offered in respect of a new appointment. The Secretary of State considers that £100,000 is the right level for that threshold to be set. For this purpose, salary packages should include salary, any bonuses, fees or allowances routinely payable to the appointee and any benefits in kind to which the officer is entitled as a result of their employment.
- 2.4 The proposals set out in the report meets the necessary legislative, statutory guidance and Constitutional requirements.

Human Resources

3.1 Detailed in the report.

Information Technology

4.1 None directly arising from the report.

Equalities Impact

5.1 The post will be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it. The appointment process will be conducted in accordance with the Council's Recruitment and Selection Policy and any reasonable adjustments will be made for candidates in order to access the process as appropriate.

5.2 It should be noted that the Council has put in place a number of measures in its recruitment process in order to promote equality. These include:

- providing disabled job applicants with adjustments throughout the recruitment process to help make the process fairer, such as making reasonable adjustments at interview.
- providing all disabled people who meet the essential criteria with a guaranteed interview and by ensuring that any test or assessment is fair to everyone and focuses on the skills and knowledge needed for the job.

Corporate objectives and priorities for change

6.1 This report supports the council priorities and the recommendations proposed will enable recruitment to a key established senior leadership position.

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 None.