

Report of the Head of Human Resources and Organisational Development

**Appointment of Acting Chief Executive**

**Summary**

1. Kersten England, the current Chief Executive, has resigned and will leave City of York Council on 31<sup>st</sup> July 2015.
2. This report seeks approval to establish an Appointments Sub-Committee for Chief Officer appointments and to delegate sufficient powers to that Sub-Committee to enable it to conduct the recruitment process, select and appoint an Acting Chief Executive and Head of Paid Service, subject to the requirements of the standing orders on appointment.

**Background**

3. Kersten England has been the Chief Executive and Head of Paid Service at City of York Council since her appointment on the 5<sup>th</sup> October 2009. Kersten has resigned to take up the post of Chief Executive at City of Bradford Metropolitan District Council and will leave City of York Council on 31<sup>st</sup> July 2015.
4. It is a statutory requirement that the Council has a Head of Paid Service.
5. The appointment of a permanent Chief Executive and Head of Paid Service is likely to take between 5 and 9 months whilst the council goes through the recruitment process to search for and select a new Chief Executive and the subsequent notice period of the successful candidate.
6. During this period the council has to continue to progress the achievement of our corporate ambitions for the residents of the City whilst delivering against our financial strategy.
7. In these circumstances it is recommended that the Council should appoint an Acting Chief Executive and Head of Paid Service to secure

continued strategic leadership and take overall accountability for delivery of statutory and non statutory services.

8. Proposals for a permanent Chief Executive and Head of Paid Service will be developed quickly alongside a wider review of council management and details and appointment timescales will be provided in a future report.
9. The possibility of becoming the Acting Chief Executive and Head of Paid Service could be seen as a development opportunity for existing senior staff in the Council and our Council Workforce Strategy seeks to create opportunities to develop our staff. The Council does have experienced senior staff that it is felt have the necessary skills to be considered for the opportunity.
10. To ensure that external candidates can also be considered for the opportunity the post will be advertised on City of York Council Jobs Website, this approach would mean there would be no additional recruitment costs.
11. It is proposed that the opportunity will be advertised on the 8<sup>th</sup> June with a closing date of 19<sup>th</sup> June and that interviews are held on the 26<sup>th</sup> June 2015.
12. It is anticipated that the post would be for a minimum duration of 5 months, but the exact contract end date would be confirmed with the appointed candidate once the start date of a permanent Chief Executive and Head of Paid Service was known.

### **Remuneration Package**

13. In accordance with the City of York Pay Policy Statement, approved at Council on 26<sup>th</sup> March 2015 the salary for this post is £130,000 to £145,000 per annum, it is anticipated that the salary for the acting post would be at the bottom of this range.
14. It is a requirement for any proposed salary offer which is in excess of £100,000 is agreed by Full Council.

### **Appointments Committee**

15. The Council's Constitution allows for an Appointments Committee, including at least one member of the Cabinet, to shortlist and interview applicants for a post and to determine who should be offered the vacant post.

16. It is recommended that the appointment sub-committee should consist of three members on a 1:1:1 proportionate basis. This would mean that there would be one Conservative, one Liberal Democrat and one Labour member on the appointment committee.

### **Consultation**

17. The proposals in this paper have been discussed with the Regional Employers' Director for Local Government Yorkshire & Humber. If agreed the three political groups would be asked to nominate a member to participate in the appointments committee.

### **Options/Analysis**

18. There are no alternative options for members on the recruitment process to consider, other than simply not proceeding with the recruitment to the post. However there is a statutory responsibility for the council to have a Head of Paid Service.
19. An alternative approach would be to go to the external consultant or interim market and fill the post on this basis for this temporary duration but that may incur additional cost.

### **Council Plan**

20. Making an appointment to this post will contribute to the continued delivery of the Council Plan and its priorities.

### **Implications**

21. The following implications have been considered:
  - **Financial** – The salary cost will be managed from within the existing budget and there will be no recruitment costs.
  - **Human Resources (HR)** – The job description for the Chief Executive has been subject to the Council's established job evaluation mechanism, the grade established for the post and the agreed Council Pay Policy. The Appointments Committee is in line with the constitutional requirements for the recruitment and appointment of Chief Officers. The appointment will be carried out in accordance with the Chief Officer recruitment protocols.
  - **Equalities** - There are no specific equalities implications.
  - **Legal** – The Council has a statutory duty to appoint a head of paid service under the Local Government and Housing Act 1989.

- The Appointments Committee is created pursuant to S.102 (1)(c) of the Local Government Act 1972 and its terms of reference are to exercise the functions of the Council in relation to the selection and appointment of the successful applicant in respect of the vacant post. The proceedings of the Appointments Committee are likely to be held mainly in exempt session due to the nature of the information that it will be considering.

In circumstances where the appointing committee agrees, without any member voting against, S.17 of the Local Government & Housing Act 1989 provides that the distribution of seats on a sub-committee need not comply with the political balance requirements contained in Part 1 of that Act.

The process of appointing officers of this level is regulated by the Local Authority (Standing Orders) (England) Regulations 2001. Amongst other things, these regulations require that an appointment committee must include at least one member of the Cabinet and further, that no formal offer of appointment may be made until all members of the Cabinet have been informed of the details of the intended appointee, and have raised no objection within the specified period, (usually 5 clear days).

- **Crime and Disorder** – There are no crime and disorder implications.
- **Information Technology (IT)** – There are no IT implications.
- **Property** – There are no property implications.
- **Other** – There are no other implications.

### **Risk Management**

22. The risk of no or delayed appointment could risk delivery against the Council Plan and its priorities.

### **Recommendations**

23. It is recommended that Council:
  - i. Approve the filling of the post of Acting Chief Executive and Head of paid Service at the job evaluated salary of £130,000.
  - ii. Advertise this opportunity on the CYC Jobs Website.

- iii. Agree that an Appointments Sub-Committee is established and authorised to conduct the final interviews, select a successful candidate and make an offer of employment subject to the necessary employment procedures. The sub-committee should consist of three members, on a 1:1:1 proportionate basis. This would mean that there would be one Conservative, one Liberal Democrat and one Labour member on the Appointment Committee.
- iv. To recommend to full council approval of this salary package which is in excess of £100,000.

Reason: To allow appointment to an Acting Chief Executive and Head of Paid Service to be made.

### Contact Details

**Author:**

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**Chief Officer Responsible for the report:**

Kersten England  
Chief Executive

**Report  
Approved**



**Date** 29<sup>th</sup> May 2015

**Specialist Implications Officer(s)**

Legal: Andrew Docherty, Assistant Director, IT Democratic & Legal Services

Finance: Debbie Mitchell, Corporate Finance Manager

HR: Mark Bennett, Head of HR & OD

**Wards Affected:**

**All**

**For further information please contact the author of the report**

Annexes - None