

Meeting:	Council
Meeting date:	Friday 22 January 2021
Title of report:	Appointment of Chief Executive
Report by:	Chair of the Employment Panel

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose

To approve the appointment of a chief executive and head of paid service.

Recommendation(s)

That:

- (a) Paul Walker is appointed as the council's chief executive and head of paid service.**
- (b) The solicitor to the council is designated to be acting head of paid service from 12 February when the current chief executive leaves the council's employment and until the newly appointed chief executive starts in post.**
- (c) To ensure appropriate and necessary separation of statutory roles, the interim head of legal services is designated to be acting monitoring officer for any period of time when the solicitor to the council is designated as acting head of paid service.**

Alternative options

1. If council determines that the preferred candidate is not appointable as chief executive and head of paid service at this time, council can ask employment panel to initiate a new search for the right candidate.
2. If council determines that it is not appropriate for the recommended post holder to fulfil the duty of head of paid service on a temporary basis, council is free to designate a different post holder as head of paid service.

Key considerations

3. After a national search for candidates, on 21 December 2020 the employment panel considered applications for the post of chief executive and drew up a shortlist of candidates to invite for interview. The shortlisted candidates were interviewed by key stakeholders and the employment panel on 11 January 2021.
4. Under the council's employment rules (section 4, part 9) the appointment for a chief executive is made by council.
5. After a rigorous selection process, the employment panel recommend Paul Walker is appointed as chief executive. Paul is currently a corporate director at Harrow Council and was previously chief executive at Copeland Borough Council.
6. Approval of appointments to posts with new salaries in excess of £100,000 is reserved to full council. When approving the pay policy statement, council authorised appointments to those posts included in the statement at the salaries specified in the statement. This post is one of the posts included under that authorisation.
7. The council is required by the Local Government and Housing Act 1989 to appoint one of its officers as head of paid service. The council has determined that the head of paid service will be the chief executive and returning officer. The council's current chief executive leaves the council's employment in February 2021 and until the newly appointed chief executive is able to commence in post, the employment panel recommend the solicitor to the council to be designated as head of paid service on a temporary basis.
8. Council is asked to note that no single post holder can be both head of paid service and the monitoring officer or s151 officer at the same time. Therefore, it is recommended that to ensure appropriate and necessary separation of statutory roles, the interim head of legal services is designated to be acting monitoring officer for any period of time when the solicitor to the council is designated as acting head of paid service.

Community impact

9. In accordance with the adopted code of corporate governance, Herefordshire Council needs appropriate structures and leadership, as well as people with the right skills, qualifications and mind-set, to operate efficiently and effectively. The council is accountable for how it uses the resources under its stewardship, including accountability for outputs and outcomes achieved. In addition the council has an overarching responsibility to serve the public interest in adhering to the requirements of legislation and government policies.

10. The post holder provides strategic leadership to council services and has a key leadership role in Herefordshire, regionally and nationally. Without effective leadership, outcomes for communities and individuals in Herefordshire could be adversely affected.

Environmental Impact

11. The chief executive has overall responsibility for the delivery of the county plan and corporate delivery plan and the inherent environmental objectives and outcomes set out within these plans.

Equality duty

12. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
13. The council's policies in relation to job evaluation and recruitment and selection pay full regard to the council's responsibilities as set out in the public sector equality duty.

Resource implications

14. The establishment budget is available for this post and any appointment will be made within this budget.
15. The gross salary for this post is currently £155,022 and the salary costs will be met from within the existing directorate revenue budget.
16. The financial estimates below are based on the assumption that a new appointee will need to give notice to their current employer and will not be available to start with Herefordshire until April 2021.

Revenue or Capital cost of project (indicate R or C)	2020/21	2021/22	2022/23	Future Years	Total
	£000	£000	£000	£000	£000
Salary R	0	155	155	155	465
TOTAL		155	155	155	465

Legal implications

17. The council is required by the Local Government and Housing Act 1989 to appoint one of its officers as head of paid service. It is usual, although not mandatory for the head of paid service to be the chief executive and the report assumes that this will continue to be the case.
18. The council also needs to nominate a returning officer for local and parliamentary elections and while this is again not mandatory, the report assumes that the head of paid service will fulfil this role.
19. The council must comply with the provisions of s40 of the Localism Act 2011 in relation to pay and any new salary packages above £100,000, which must be recommended to full council for approval.
20. In accordance with the council's constitution part 4 section 9, an offer of appointment for the post of chief executive and head of paid service, cannot be made until the appointment has first been approved by full council with any objections voiced by cabinet.

Risk management

21.

Risk / opportunity	Mitigation
The risks posed by COVID-19 will prevent the council from carrying out a robust selection process.	Contingency plans were in place to hold the selection process remotely using digital platforms and involving key stakeholders, should that be necessary.
The newly appointed chief executive, head of paid service and returning officer will not start in post before the current post holder leaves, leaving the statutory posts of head of paid service and returning officer undesignated.	Interim arrangements are proposed for designating a post holder as head of paid service and returning officer.

Consultees

22. Key stakeholders including cabinet members, group leaders, the chairman of the council, health and police colleagues and representative from local business have been invited to participate in the selection process. Their views informed the employment panel's deliberations and their contribution has been much appreciated
23. In accordance with the council's employment rules, the leader of the council has been consulted on the role profile and recruitment process for this post.
24. In accordance with the council's employment rules, cabinet members have been consulted on the proposed appointment before an offer of appointment is confirmed.

Appendices

None.

Background papers

None identified.