



REPORT TO: COUNCIL

DATE: 14 DECEMBER 2017

REPORT OF THE: MONITORING OFFICER
ANTHONY WINSHIP

TITLE OF REPORT: Motion on Notice - Recruitment and appointment of a Chief Executive – Proposal to recruit and appoint a Chief Executive internally from amongst the Council’s existing officers

WARDS AFFECTED: ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

To advise Members of Council on the implications of the proposal in the Motion on Notice.

2.0 RECOMMENDATIONS

That the Motion on Notice is debated and determined by Council.

3.0 REASON FOR RECOMMENDATIONS

To comply with the provisions of the constitution.

4.0 SIGNIFICANT RISKS

4.1

| Risk | Risk Assessment | Risk Level | Risk Management |
|-------------|---|-------------------|--|
| Legal | There is a statutory requirement to appoint a Head of | High | To appoint a suitable officer to the role. |

| | | | |
|--------------|---|------|--|
| | Paid Service | | |
| Reputational | It is important to instil confidence in employees and ensure that the Head of Paid Service can efficiently and effectively discharge the duties of the role | High | Appointment to the role through the Motion on Notice proposal will minimise this risk. |
| Other 1 | Internal selection process | Low | Provides stability and continuity to the Council given the departure of the previous Chief Executive along with any perceived organisational knowledge drain. The assessment process would ensure any candidates meet the required standards. It may mitigate against any future redundancy depending upon members ideas regarding any other Chief Officer appointments. |
| Other 2 | Internal Selection Process | Low | This provides an opportunity for the Deputy Chief Executive, Service Leads or other employees of the Council with recent /relevant experience, satisfying the person specification and achieving the performance standards required to provide stability and continuity though a further selection process may be required along with any associated costs to backfill if an internal candidate was to be successful. |
| Other 3 | External Selection Process | Low | External candidates may feel that the Interim would be in a strong position to secure the appointment and may perceive it is not worth applying so the level of experience and expertise from external applicants may be limited and left wanting. Any potential internal applicants may not apply as they may perceive they are not worthy of being considered following the decision to externally advertise. Potential delay to resolution of the appointment given it needs to be ratified by Full Council and there is generally a three month notice period to be had following the clearance process. This could also lead to further periods of uncertainty amongst the workforce. The current Interim may be the successful candidate at the end of the process. |

5.0 POLICY CONTEXT AND CONSULTATION

- 5.1 The Council has a legal obligation to appoint a Head of Paid Service in line with the Local Government and Housing Act 1989 and as referenced in the Constitution for Ryedale District Council.
- 5.2 Ensuring effective management of the Council's Services is fundamental to the delivery of the Council's Priorities.

REPORT

6.0 REPORT DETAILS

- 6.1 The constitution provides that Members of Council may submit written Motions on Notice for debate at Council. A motion must be signed by the proposer and seconder and submitted not later than 5 pm eight days before the date of the meeting.
- 6.2 Motions must be about matters for which the council has a responsibility or which affect the area.
- 6.3 Members will recall the decisions of the Council meeting on 31 August 2017 under minute 35 - Options for the Interim Arrangements for the Post of Chief Executive with the appointment of the interim Chief Executive for six months expiring in February 2018 and under minute 37 - Recruitment and Selection for the Permanent Chief Executive Post through open external advertisement.
- 6.4 The Motion on Notice before Members of Council seeks to reverse a previous decision of Council made on 31 August 2017 to recruit a Chief Executive and Head of Paid Service through open external advertisement.
- 6.5 A previous decision of Council may be rescinded under Council Procedure Rule 14.1 provided that it is signed by at least one quarter of the whole number of Members of the Council.
- 6.6 The agenda for the Council meeting includes a Motion on Notice submitted under Council Procedure Rule 14.1, signed by at least one quarter of the whole number of Members of the Council, to rescind the previous decision made by Council in the past six months, namely to recruit the Chief Executive externally . The Motion on Notice goes on to propose the recruitment and appointment of a Chief Executive internally from amongst the Council's existing officers.
- 6.7 Members of Council are advised that the District Council's Officer Employment Procedure Rules in the Council's constitution do allow the recruitment and appointment of a Chief Executive internally from amongst the Council's existing officers.
- 6.8 There are circumstances when appointment from within the Council are more appropriate, particularly given the financial challenges facing local government, when local authorities may be looking to review Chief Officer appointments with the aim of achieving a more agile and cost effective service provision. Some Members have previously remarked on the Chief Officer roles and for that reason coupled with the

need to make financial savings it may be considered that there is a justification to recruit internally.

- 6.9 Even if Council approves the recruitment and appointment of the Chief Executive from within the Council, the Council will still need to satisfy a legal requirement that the appointment is based on merit: therefore a selection process is still required to demonstrate that an assessment has been made. There would still be costs involved in resourcing the assessment process, but the cost of an external advertisement would be avoided. It also saves the costs of processing larger quantities of applications.

7. OPTIONS AVAILABLE

- 7.1 The appointment of a Head of Paid Service is a Legal requirement and therefore there are no options in relation to this appointment. It is only the choice of how the Council selects the candidate over which there is discretion.
- 7.2 The constitution of Ryedale District Council allows it to appoint a Chief Executive Officer, as Head of Paid Service, from within the organisation or through open external advertisement. The decision of which approach to adopt is one for Council to decide.

Other options considered and not recommended:

- 7.3 To continue with an Interim Chief Executive for a period beyond February 2018. There can be legal difficulties in interim arrangements extending for a protracted period of time. There is an expectation that there will be some permanency in the senior management structure to recover some stability in the organisation and this matter needs to be resolved sooner rather than later to enable the organisation to move forward.
- 7.4 Shared Chief Executive – This option has been explored. It is not recommended as the drive is for organisational stability.

8.0 IMPLICATIONS

The following implications have been identified:

a) Financial

There are no further cost implications for this round of recruitment given that Penna were already appointed as the recruitment consultants.

b) Legal

Section 112 of the Local Government Act 1972 provides that the local authority shall appoint such officers as it considers necessary for the proper discharge of its functions. A local authority is required to do this in accordance with the provisions of the Local Government and Housing Act 1989. This Act requires the appointment of statutory officers and the adoption of standing orders with respect to staff by Council. Standing orders have been adopted by this Council as set out in the Local Authorities (Standing Orders) (England) Regulations

2001 as amended and the Officer Employment Procedure Rules in the Constitution.

Section 7 of the Local Government and Housing Act 1989 states that all staff are to be appointed on merit.

- c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)

There are no legal implications regarding this report.

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Background Papers:
None

Background Papers are available for inspection at:
None