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Date: 4<sup>th</sup> December, 2019

## **TO THE MEMBERS OF THE CITY COUNCIL**

Dear Councillor,

### **Meeting of the City Council on 4<sup>th</sup> December, 2019: Appointment of Interim Chief Executive, Head of Paid Service and Returning Officer (Item of Business No.9)**

I attach a report of the Director of Human Resources and Customer Services providing details of the recruitment exercise for an Interim Chief Executive, which is to be considered under item 9 on the agenda for today's Council meeting.

Due to the timing of the recruitment exercise, it was not possible to include the report when the agenda for the meeting was published.

The report shall be published on the website during the morning, and a paper copy shall be placed on Members' desks in the Council Chamber by the start of the meeting.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Gillian Duckworth', is written over a light blue horizontal line.

**GILLIAN DUCKWORTH**  
**DIRECTOR OF LEGAL & GOVERNANCE**



## Report to Council

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**Report of:** Director of Human Resources and Customer Services

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**Date:** 4 December 2019

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**Subject:** Appointment to the Post of Interim Chief Executive and Head of Paid Service

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**Author of Report:** Mark Bennett (Director of Human Resources and Customer Services)  
Tel: 0114 273 4081

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**Summary:** This report provides details of the recruitment exercise for an Interim Chief Executive.

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**Recommendations:** That the Council:-

- (a) notes the information contained in the report on the recruitment exercise for an Interim Chief Executive;
- (b) approves the appointment of Charlie Adan to the post of Interim Chief Executive and Head of Paid Service, in accordance with the terms set out in this report, and notes that Charlie Adan is expected to start in post in January 2020; and
- (c) approves the changes to the Proper Officer designations within Part 7 (Management Structure and Statutory/Proper Officers) of the Constitution, as set out in the appendix to the report, with effect from 1<sup>st</sup> January 2020.

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**Background Papers:**

None

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**Category of Report:** OPEN

**APPOINTMENT TO THE POST OF INTERIM CHIEF EXECUTIVE AND HEAD OF  
PAID SERVICE**

1. For a period of approximately 6 months, pending the appointment of a permanent Chief Executive, it was decided that an interim appointment be made and potential candidates identified for this role.
2. At its meeting on 22 November 2019, the Senior Officer Employment Sub-Committee conducted interviews for the post of Interim Chief Executive.
3. The Sub-Committee resolved to recommend an appointment to the post, subject to no objections to the intended appointment having been received from any Member of the Cabinet.
4. Cabinet Members were notified of the intended appointment on 26 November 2019 and the Council's Monitoring Officer received no objections to the appointment by 2 December 2019, which was the close of the five working day period allowed for the receipt of such an objection.
5. The Council's Pay Policy Statement, approved by the Council at its Special (Budget) Meeting on 6<sup>th</sup> March 2019 includes the post of Chief Executive within the list of Statutory Chief Officers.
6. The Pay Policy Statement states at Paragraph 10 that the approved remuneration package for a post can be varied where there is justification for doing so. In these circumstances, to ensure we can secure an experienced Chief Executive for a time limited period, this will be necessary. The likely costs for these arrangements will be approximately £18,750 per month. This variation has been discussed and agreed with the Senior Officer Employment Sub-Committee, and will be the subject of approval through the appropriate decision making process of the Authority.
7. The costs of this appointment are within the budget allocated for the post.
8. The Pay Policy Statement also states at Paragraph 22 that "the Authority will ensure that, at the latest before an offer of appointment is made, any salary package for any post (not including schools) that is in excess of £100k will be considered by full Council. The salary package will be defined as base salary, any fees, routinely payable allowances and benefits in kind that are due under the contract." In preparing its Pay Policy Statement, the Council has had regard to the Department for Housing, Communities and Local Government's guidance under Section 40 of the Localism Act 2011, *Openness and Accountability in Local Pay*.

9. The Senior Officer Employment Sub-Committee minute is set out below, and the Council is asked to approve the appointment of Charlie Adan to the post of Interim Chief Executive.

### ***INTERVIEWS FOR THE POST OF INTERIM CHIEF EXECUTIVE***

*The Sub-Committee conducted interviews for the post of Interim Chief Executive.*

**RESOLVED:** *That Charlie Adan be recommended for appointment to the post of Interim Chief Executive, subject to internal approvals being gained.*

10. In light of the introduction of interim arrangements for the post of Chief Executive, it is proposed that several of the “Proper Officer” roles (set out in Part 7 of the Council’s Constitution) that are currently designated to the Chief Executive, be re-designated to alternative post-holders, with effect from 1<sup>st</sup> January, 2020. These proposed changes are set out in the appendix to this report (with the re-designations showing as tracked changes), but primarily relate to the functions of the Returning Officer for Local and Parliamentary elections transferring to the Director of Policy, Performance and Communications.

### **Recommendations**

That the Council:-

- (a) notes the information contained in the report on the recruitment exercise for an Interim Chief Executive;
- (b) approves the appointment of Charlie Adan to the post of Interim Chief Executive and Head of Paid Service, in accordance with the terms set out in this report, and notes that Charlie Adan is expected to start in post in January 2020; and
- (c) approves the changes to the Proper Officer designations within Part 7 (Management Structure and Statutory/Proper Officers) of the Constitution, as set out in the appendix to the report, with effect from 1<sup>st</sup> January 2020, which includes the transfer to the Director of Policy, Performance and Communications of the Proper Officer functions of the Returning Officer for Local and Parliamentary elections.

Mark Bennett  
Director of Human Resources and Customer Services

Sheffield City Council – Constitution (v16.4)  
 Part 7 – Management Structure and Statutory/Proper Officers  
 (Minor amendment September 2019)

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## 2. STATUTORY/PROPER OFFICERS

- 2.1 The Local Government Act 1972 and other legislation require local authorities to make specific statutory appointments and designations (Statutory and Proper Officers) which carry specific responsibilities. For the avoidance of doubt, any post mentioned below will also include an interim appointment to that position.
- 2.2 In the event of the officers named below in 2.3 and 2.4 being unable to act or of any of the posts being vacant, the Chief Executive, or in his/her absence the relevant Executive Director, will appoint an officer to act in their place.
- 2.3 The following are the Statutory Officers of the Council for the purposes stated:-

<b>Legislation</b>	<b>Description</b>	<b>Allocated To</b>
Local Government and Housing Act 1989 Section 4	Head of Paid Service	Chief Executive
Local Government Act 1972 Section 151	Chief Finance Officer	Executive Director, Resources
Local Government and Housing Act 1989 Section 5	Monitoring Officer	Director of Legal and Governance
Local Authority Social Services Act 1970 Section 6	Director of Adult Social Services	Director of Adult Services
Children Act 2004 Section 18	Director of Children's Services	Executive Director, People
National Health Service Act 2006	Director of Public Health	Director of Public Health

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Sheffield City Council – Constitution (v16.4)  
 Part 7 – Management Structure and Statutory/Proper Officers  
 (Minor amendment September 2019)

Section 73A		
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2.4 The following are the Proper officers of the Council for the purposes stated:-

<b>Local Authority Social Services Act 1970</b>	<b>Description</b>	<b>Proper Officer</b>
Section 6	Officer appointed as Director of Adult Social Services	Director of Adult Services
<b>Local Government Act 1972</b>	<b>Description</b>	<b>Proper Officer</b>
Section 83	Officer who takes declarations of acceptance of office	Director of Legal and Governance
Section 84	Officer to whom a person elected to any office listed in Section 83 may give written notice of resignation	Director of Legal and Governance
Section 88(2)	Officer who may convene a meeting of the Council for the election to fill casual vacancy of chairman of the Council	Director of Legal and Governance
Section 89(1)	Officer who may receive notice in writing of a casual vacancy in the office of Councillor from two local government electors for the area	Electoral Services Manager
Section 100B(2)	Officer who may think fit to exclude from reports open to inspection by members	Director of Legal and Governance in consultation with the

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	of the public parts relating to items during which the meeting is likely not to be open to the public	relevant Executive Director
Section 100B(7)(c)	Officer who makes available to the press copies of documents already supplied to Councillors in connection with an item on the agenda for a meeting of the Council	Head of Democratic Services
Section 100C(2)	Officer responsible for preparing a written summary of those parts of the committee proceedings which disclose exempt information	Head of Democratic Services
Section 100D(1)(a)	Officer responsible for identifying background papers for the report for a meeting of the Council and compiling a list of such documents	Relevant Executive Director
Section 100F(2)	Officer who makes decisions as to documents disclosing exempt information which are not required to be open to inspection by Councillors	Director of Legal and Governance in consultation with the relevant Executive Director
Section 115	Officer to whom all officers shall pay monies received by them and due to the Local Authority	Executive Director, Resources or their nominee
Section 146(1)(a)	Officer authorised to produce a statutory declaration specifying	Director of Legal and Governance

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	securities and verifying the change of name and identity of the authority	
Section 151	Officer responsible for the proper administration of the authority's financial affairs ("Chief Finance Officer")	Executive Director, Resources
Section 191	Officer who receives applications from Ordnance Survey Office in relation to examining, ascertaining and marking out reputed Local Authority boundaries	Director of Legal and Governance
Section 210(6) and (7)	Officer in whom power is vested to exercise any power with respect to a charity exercisable by any officer of a former corresponding authority	Director of Legal and Governance
Section 225	Officer with whom documents may be deposited pursuant to law, who can make notes or endorsements and give acknowledgements or receipts	Director of Legal and Governance
Section 229(5)	Officer who signs a certificate that a document is a photographic copy of a document in the custody of the Council	Director of Legal and Governance
Section 234(1)	Officer who signs notices, orders or other documents on behalf of the Council	Director of Legal and Governance
Section 238	Officer responsible for	Director of Legal and



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	certifying copies of byelaws	Governance
Schedule 12 Para 4(2)(b)	Officer who may sign and send to all Councillors a summons to attend Council meetings	<u>Chief Executive Director of Legal and Governance</u>
Schedule 12 Para 4(3)	Officer who may receive notice in writing from a Councillor providing an address to which a summons to a meeting is to be sent other than their place of residence	Head of Democratic Services
Schedule 14 Para 25	Officer who may certify copies of resolutions passed under this Paragraph	Director of Legal and Governance
<b>Local Government Act 1974</b>	<b>Description</b>	<b>Proper Officer</b>
Section 30(5)	Officer responsible for arranging publication in newspapers of a notice that a Local Commissioner's report on an investigation of a matter is available for inspection by the public	Director of Legal and Governance
<b>Local Government (Miscellaneous) Act 1976</b>	<b>Description</b>	<b>Proper Officer</b>
Section 41	Officer responsible for certifying copies of resolutions, orders, reports, minutes of Council meetings and other documents or authorising a person in	Director of Legal and Governance

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	that behalf	
<b>Highways Act 1980</b>	<b>Description</b>	<b>Proper Officer</b>
Section 59	Officer responsible for certifying that extraordinary expenses have been or will be incurred in maintaining the highway by reason of damage caused by excessive weight passing along the highway or other extraordinary traffic	Head of Highway Maintenance
Section 205	Officer responsible for undertaking duties as specified in this Section and Schedule 16 in relation to private street works	Head of Highway Maintenance
Section 210	Officer responsible for certifying amendments to estimated costs and consequential provisional apportionment of costs under the private street works code	Head of Highway Maintenance
Sections 211, 212 and 216	Officer responsible for making a final apportionment of costs under the private street works code	Head of Highway Maintenance
Section 295	Officer responsible for issuing notices requiring removal of materials from non-maintainable streets in which works are due to take place	Head of Strategic Transport and Infrastructure / Highway Network Manager & Sheffield Traffic Manager

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Section 321	Officer responsible for signing notices, consents, approvals, orders, demands, licences, certificates and other documents	Head of Strategic Transport and Infrastructure / Head of Highway Maintenance
Schedule 9 Para 4	Officer responsible for signing plans showing proposed prescribed improvement lines or building lines	Head of Highway Maintenance
<b>Representation of the People Act 1983</b>	<b>Description</b>	<b>Proper Officer</b>
Section 8	Officer appointed as Registration Officer for the registration of Parliamentary and Local Government Electors	<u>Chief Executive Director of Policy, Performance and Communications</u>
Section 28	Officer to discharge duties of the returning officer as Acting Returning Officer at Parliamentary Elections	<u>Chief Executive Director of Policy, Performance and Communications</u>
Section 35	Officer appointed as Returning Officer for local elections	<u>Chief Executive Director of Policy, Performance and Communications</u>
Section 52	Officer approved as deputy to perform the powers and duties of the Registration Officer and officer appointed to carry out any acts of the Registration Officer in the event of his incapacity or a vacancy	Electoral Services Manager
Section 67	Officer to whom declarations	<u>Chief Executive Director of Policy, Performance</u>

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	and public notice of election agents' appointments are made	<del>and Communications</del> -for Parliamentary Elections; Electoral Services Manager for local elections
Section 131	Officer responsible for providing accommodation for holding election count	Electoral Services Manager
<b>Building Act 1984</b>	<b>Description</b>	<b>Proper Officer</b>
Section 78(1) and (8)	Officer who may take immediate action in relation to dangerous buildings, structures or parts thereof	Director of City Growth
<b>Local Government Finance Act 1988</b>	<b>Description</b>	<b>Proper Officer</b>
Section 114	Officer responsible for making financial reports to the authority	Executive Director, Resources
Section 116	Officer responsible for notifying the authority's auditor of the date, time and place of meeting to consider s114 report and of decision of such meeting	Executive Director, Resources
<b>Local Government and Housing Act 1989</b>	<b>Description</b>	<b>Proper Officer</b>
Section 2(4)	Officer with whom the list of politically restricted	<del>Chief Executive</del> Director of Human Resources

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	posts shall be deposited	
Section 4	Officer designated as Head of Paid Service	Chief Executive
Section 5	Officer designated as Monitoring Officer	Director of Legal and Governance
<b>Local Government (Committees and Political Groups) Regulations 1990</b>	<b>Description</b>	<b>Proper Officer</b>
Regulation 8(1) and (5)	Officer to whom notice in writing is delivered about the constitution of a political group or the change of name of a political group	Head of Democratic Services
Regulations 9 and 10	Officer to whom notice in writing is delivered about a Councillor's membership, or cessation of membership, in a political group	Head of Democratic Services
Regulation 13	Officer to whom the wishes of a political group are expressed	Head of Democratic Services
Regulation 14	Officer responsible for notifying in writing the leader or deputy leader of a political group about allocations and vacancies of seats	Head of Democratic Services
<b>Local Government Act 2000</b>	<b>Description</b>	<b>Proper Officer</b>
Section 9FB	Officer designated to carry	Head of Policy and

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	out the functions of Scrutiny Officer	Partnerships
<b>The Local Authorities (Standing Orders) (England) Regulations 2001</b>	<b>Description</b>	<b>Proper Officer</b>
Schedule 1, Part 2, Paragraphs 5 and 6	Officer responsible for receiving notification of proposed appointment or dismissal of certain officers, notifying executive members of that proposed appointment or dismissal and for receiving and notifying of objections to the proposed appointment or dismissal	Director of Human Resources ( <u>for notifying of proposed appointments or dismissals</u> ); Director of <u>Legal and Governance</u> ( <u>for receiving and notifying of objections</u> )
<b>Local Authorities (Referendums) (Petitions) (England) Regulations 2011</b>	<b>Description</b>	<b>Proper Officer</b>
Regulation 4(1)	Officer who publishes the number that is equal to 5 per cent of the number of local government electors for the authority's area	<u>Director of Policy, Performance and Communications</u> <u>Director of Legal and Governance / Electoral Services Manager</u>

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<b>Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012</b>	<b>Description</b>	<b>Proper Officer</b>
Regulation 7(2)	Officer who may think fit to exclude from the copy of a report open for inspection by the public information which relates to matters when the meeting is likely to be private	Director of Legal and Governance
Regulation 7(7)(c)	Officer who may think fit to supply to a newspaper a copy of any document supplied to Cabinet members in relation to an item on the agenda for a public meeting	Head of Democratic Services
Regulation 10(1) and (3)	Officer responsible for: <ul style="list-style-type: none"> <li>• informing the chairman of the relevant Committee by notice in writing of decision to be made where the publication under <a href="#">Regulation 9</a> is impracticable</li> <li>• making available for inspection by the public and published on the authority's website a copy of the above noticemaking available a notice setting out the reasons why</li> </ul>	Head of Democratic Services

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	compliance with Regulation 9 is impracticable and publishing that notice on the authority’s website	
Regulation 12	Officer responsible for producing a written statement of all executive decisions made at meetings of decision-making bodies	Head of Democratic Services
Regulation 13	Officer responsible for producing a written statement of all executive decisions made by individual Councillors	Head of Democratic Services
Regulation 14	Officer responsible for ensuring that a copy of the following documents is available for public inspection: <ul style="list-style-type: none"> <li>• Written statements referred to in Regulations 12 and 13</li> <li>• Part or all of any report considered by the decision maker and relevant to the decision made</li> </ul>	Head of Democratic Services
Regulation 15	Officer responsible for compiling a list of background papers to the report referred to in Regulation 14	Relevant Executive Director
Regulation 16	Officer responsible for determining whether	Director of Legal and Governance



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	compliance with regulations 16(1) and 16(3) would involve the disclosure of either exempt information or advice provided by a political adviser or assistant	
Regulation 20	Officer who forms an opinion as to whether a document contains or is likely to contain confidential information, exempt information or the advice of a political adviser or assistant	Director of Legal and Governance
<b>Health and Social Care Act 2012</b>	<b>Description</b>	<b>Proper Officer</b>
Section 30	Officer to carry out the role of director of public health	Director of Public Health
<b>Children Act 2004</b>	<b>Description</b>	<b>Proper Officer</b>
Section 18	Officer appointed as Director of Children's Services	Executive Director, People
<b>Local Authority Social Services and National Health Service Complaints (England) Regulations 2009</b>	<b>Description</b>	<b>Proper Officer</b>
Regulation 4(1)(a) and (4)	Officer designated as Responsible Person to ensure compliance with arrangements made under these Regulations	Chief Executive
Regulation 4(2)	Officer authorised by the Council to perform the	Director of Adult Services <del>/Director</del>

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	functions of the responsible person	<del>of Commissioning</del>
Regulation 4(1)(b) and (5)	Officer designated as complaints manager to manage the procedures for handling and considering complaints	Complaints Manager
<b>Openness of Local Government Bodies Regulations 2014</b>	<b>Description</b>	<b>Proper Officer</b>
Regulation 8	Officer who forms an opinion as to whether the documents relating to an officer delegated decision under Regulation 7(2) are background papers for the purpose of this Regulation	Director of Legal and Governance
Regulation 9	Officer who determines whether a document contains or is likely to contain either exempt or confidential information	Director of Legal and Governance