

## **EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES**

**Committee:** Committee for the Appointment of a Chief Executive      **Date:** Monday, 18 July 2011

**Place:** Cabinet Room, Civic Offices, High Street, Epping      **Time:** 5.30 - 6.25 pm

**Members Present:** J M Whitehouse (Chairman), Mrs C Pond (Vice-Chairman), Mrs A Grigg, Mrs M McEwen, S Murray, J Philip and Mrs L Wagland

**Other Councillors:**

**Apologies:**

**Officers Present:** P Maginnis (Assistant Director (Human Resources)) and I Willett (Assistant to the Chief Executive)

---

### **1. MINUTES - 14 FEBRUARY 2011**

#### **RESOLVED:**

That the minutes of the meeting held on 14 February 2011 be confirmed and signed by the Chairman as a correct record.

### **2. SUBSTITUTE MEMBERS**

The Committee noted that there were no substitute members notified for this Committee.

### **3. DECLARATIONS OF INTEREST**

The Committee noted that there were no declarations of interest for this meeting.

### **4. TERMS OF REFERENCE**

The Committee noted the Terms of Reference for this Committee as set out on the Agenda and as agreed by the Council on 30 July 2010 (Minute 61).

#### **RESOLVED:**

That any changes to the Terms of Reference of the Committee to be recommended to the Council be considered under the subsequent report concerning the Acting Chief Executive position.

### **5. ACTING CHIEF EXECUTIVE - APPOINTMENT**

The Committee considered a report of the Assistant to the Chief Executive concerning the current position regarding the temporary appointment of an Acting Chief Executive.

**Committee for the Appointment of a Chief Executive**  
**Monday, 18 July 2011**

The Committee noted that the current contract extension for this appointment came to end on 31 August 2011 and it would be necessary to make recommendations to the Council meeting on 26 July 2011 concerning the contract.

In discussing the report, the Committee noted that no firm conclusions had yet been reached concerning joint management arrangements with other local authorities and that proposals from Ernst and Young regarding value for money and service efficiency had yet to be received. The Leader of Council pointed out that the Ernst and Young report could raise issues regarding the management structure of the authority which could influence the work of this Committee in relation to a Chief Executive. It was noted that the Ernst and Young proposals were unlikely to be received by the Council until October 2011 and that a provisional deadline for consideration by the Council would be the meeting on 1 November 2011.

The Committee also noted that the recruitment advisers appointed by the authority had now ceased to operate and that any recruitment exercise conducted in respect of a Chief Executive or equivalent position would necessitate of the engagement of a new Consultant.

The Committee discussed the current situation regarding the Acting Chief Executive position and noted that Mr D Macnab in fulfilling this role still held the substantive post of Deputy Chief Executive. The Solicitor to the Council had advised that any extension of the contract was not affected by the Fixed Term (Prevention of Less Favourable Treatment) Regulations 2002 as Mr Macnab remains permanently employed as Deputy Chief Executive. She had further advised that, were those regulations to be engaged, there must be a consecutive series of fixed term contracts which cumulatively exceed 4 years before the temporary contract of Acting Chief Executive matures into a permanent one.

The Committee noted that funding continued to be available for the "Acting-Up" payment to Mr Macnab in the role of Acting Chief Executive and also salary under spends could be utilised to engage a new Recruitment Consultant. However, the Committee concluded that pending the submission of the Ernst and Young report to the Council meeting on 1 November 2011, it would be prudent not to commit new resources to the recruitment exercise or the engagement of consultants until the Council's position on a number of related issues was clear. In view of the timescale for procuring recruitment advice, advertising, interviewing and providing appropriate periods of notice, the Committee concluded that it would be prudent to extend the Acting Chief Executive contract until 31 August 2012 but members hoped this would be the last extension of this contract which they needed to request. The Committee noted that the deadline referred to in the Committee's Terms of Reference would therefore need to be amended and recommended to the Council for approval.

**RESOLVED:**

That a report be submitted to the Council recommending as follows:

- (a) that the contract of the Acting Chief Executive be extended by a period of 12 months from the end of his current contract extension (i.e. until 31 August 2012);
- (b) that the terms and conditions of this contract remain as previously agreed by the Council subject to the condition set out in paragraph 2 of the report being amended to read as follows:

**Committee for the Appointment of a Chief Executive**  
**Monday, 18 July 2011**

“... subject to this appointment being terminated at an earlier date if it proves possible to appoint a Chief Executive or the Council decides to pursue other collaborative or alternative arrangements for a Chief Executive”;

- (c) the following work now being undertaken by the Committee be noted:
  - (i) researching the procurement of consultative advisers to assist the Committee in any recruitment process;
  - (ii) a further review of the job description, person specification, remuneration and recruitment process;
  - (iii) a further review of joint management and any other alternative arrangements;
  - (iv) a provisional timetable for achieving the appointment of Chief Executive by 31 August 2012;
- (e) that the Council notes that no further resources will be committed to any of the steps set out in (c) above pending consideration by the Council of the Ernst and Young report on Value for Money and Service Efficiencies which is provisionally due to be submitted to the Council meeting on 1 November 2011;
- (f) that paragraph (d) of the Committee's Terms of Reference be amended to refer to a new deadline of 31 August 2012.

**6. RECRUITMENT ADVICE AND THE WAY FORWARD**

The Committee considered recruitment advice and the way forward on recruitment.

**RESOLVED:**

- (1) That the next meeting of the Committee to consider the recruitment process which the Council needed to adopt and timescale for so doing;
- (2) That there should be member involvement with the selection process for a recruitment advisor and that the Chairman of the Committee and the Leader and Deputy Leader should deal with those matters;
- (3) That procurement of consultancy advice should be based on an overall assessment of the suitability of the advisers brought forward not just questions of costs;
- (4) That work should be undertaken to prepare for possible recruitment at a later stage without committing resources.

**7. DATE OF NEXT AND FUTURE MEETINGS**

**RESOLVED:**

That two additional meetings be arranged for September and October 2011 respectively.

**8. EXCLUSION OF PUBLIC AND PRESS**

**Committee for the Appointment of a Chief Executive**  
**Monday, 18 July 2011**

There were no items to be considered in the absence of the press and public.

**CHAIRMAN**