



# Epping Forest District Council

## **COMMITTEE FOR THE APPOINTMENT OF A CHIEF EXECUTIVE**

**Monday, 18th July, 2011**

**Place:** Cabinet Room, Civic Offices, High Street, Epping

**Time:** 5.30 pm

**Democratic Services Officer** I. Willett (Office of the Chief Executive)  
E mail: [democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk) Tel  
01992 564243

Members:

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

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**1. MINUTES -14.2.11 (Pages 5 - 8)**

To confirm the minutes of the last meeting of the Committee (attached).

**2. APOLOGIES FOR ABSENCE**

**3. TERMS OF REFERENCE**

To note the following terms of reference for this Committee as agreed by the Council at its meeting on 30.7.10 (Minute 61):

“(a) to consider, in consultation with the Council’s Recruitment Consultants, the person specification, job description and associated matters relating to the recruitment and appointment of the Council’s Chief Executive (Head of Paid Service);

(b) to consider arrangements of advertising the vacancy;

(c) to consider the arrangements for interviewing, assessment and appointment to the Chief Executive position;

(d) to report back to full Council on progress on 28 September 2010;

(e) to report back subsequently to full Council with a recommendation on the person to be appointed to the position of Chief Executive;

(f) to consider alternative means by which the duties of the Chief Executive may be conducted; and

(g) to consider the remuneration appropriate to the role recommended by the Appointment Committee.”

**4. ACTING CHIEF EXECUTIVE - APPOINTMENT (Pages 9 - 10)**

Report attached.

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

To consider the future position regarding recruitment advice and a permanent appointment.

Questions relating to the job description, person specification and remuneration were deferred on 16 November 2010.

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

To be determined.

**7. EXCLUSION OF PUBLIC AND PRESS**

**Exclusion:** To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

<i>Agenda Item No</i>	<i>Subject</i>	<i>Exempt Information Paragraph Number</i>
<i>Nil</i>	<i>Nil</i>	<i>Nil</i>

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

**Confidential Items Commencement:** Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.
- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

**Background Papers:** Paragraph 8 of the Access to Information Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

Inspection of background papers may be arranged by contacting the officer responsible for the item.

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## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Committee for the Appointment of a Chief Executive      **Date:** Monday, 14 February 2011

**Place:** Cabinet Room, Civic Offices, High Street, Epping      **Time:** 6.00 - 6.55 pm

**Members Present:** Councillors Mrs D Collins (Chairman), C Whitbread (Vice-Chairman), A Green, Mrs A Grigg, Mrs C Pond and J M Whitehouse

**Other Councillors:** Councillors

**Apologies:** S Murray

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

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### 10. MINUTES - 16.11.10

#### RESOLVED:

That the minutes of the meeting held on 16 November 2011 be confirmed.

### 11. SUBSTITUTE MEMBERS

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

### 12. DECLARATIONS OF INTEREST

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

### 13. 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).

### 14. OPTIONS FOR THE DELIVERY OF THE CHIEF EXECUTIVE ROLE - UPDATE REPORT

The Leader of Council reported that following the last meeting contacts had been made with the leaders of Uttlesford and Harlow District Council and she informed the Committee that there was little appetite from either of those authorities and this Council to an arrangement whereby they might share a Chief Executive. In view of this, the Chairman's recommendation was that the Council should move towards appointing its own Chief Executive.

In the ensuing discussion the Committee noted that an offer had been received from Improvement East to make consultants working for that organisation available to this Council at no cost to advise on various aspects of EFDC operations. In view of the

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current financial uncertainties affecting Local Government, the Leader indicated that it was the intention of the majority group to work with the Acting Chief Executive on a new management structure so as to capitalise on savings already being achieved. The work with Improvement East would inform those discussions and would enable the Council to reach conclusions in good time for the completion of the Acting Chief Executive contract on 31 August 2011. The Chairman stated that she had discussed the position with him.

The Committee acknowledged that if there was a further short extension to the Acting Chief Executive's contract after 31 August 2011 in order to achieve a new management structure, this would not necessarily cause difficulty. The Committee commented that although there were still arguments in favour of joint working with other councils, it was realistic to accept that these opportunities were not likely to arise in the short term and that, in any event, the Council would be best served by having its own Chief Executive to ensure that its voice is heard in all the appropriate forums in this difficult period.

In response to questions from the Committee, it was confirmed that Tribal, the Council's recruitment consultants, were able to undertake a recruitment exercise as and when the Council considered that the time was right.

**RESOLVED:**

- (1) That a report be submitted to Council recommending that the option of a shared Chief Executive with other neighbouring councils be not pursued unless new options emerged; and
- (2) That the other discussions by the Committee on the Chief Executive post be noted.

**15. CHIEF EXECUTIVE - JOB DESCRIPTION, PERSON SPECIFICATION AND REMUNERATION**

The Committee gave further consideration to a discussion paper on the main features of the job description and person specification for the Chief Executive post.

The job profile attached to the report was approved and it was considered appropriate to pass this document to Improvement East or its consultants to review in the light of their findings on Council operations. The Chairman reported that the Acting Chief Executive was shortly submitting a report to the Cabinet on the Improvement East proposal and that a review of the Chief Executive position would be part of the brief.

**RESOLVED:**

That the draft job profile for the post of Chief Executive be agreed and made available to Improvement East or its consultants for review and comment.

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

The Committee agreed that for the time being there was no need to call a further meeting but that the Committee would be kept up to date by e-mail on any developments and the need for any meetings to be convened.

**17. EXCLUSION OF PUBLIC AND PRESS**

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There was no business required to be considered in private session at this meeting.

**CHAIRMAN**

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## **Report to the Committee for the Appointment of a Chief Executive**

**Date of Meeting: 18 July 2011**

**Portfolio: Leader of the Council**

**Subject: Acting Chief Executive – Extension of Contract**

**Responsible Officer: I Willett (Assistant to the Chief Executive) (Tel 01992 564243)**

**Democratic Services Officer: I Willett (Assistant to the Chief Executive) (Tel 01992 564243)**

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### **Recommendation:**

- (1) That the Committee determine whether the contract of the Acting Chief Executive should be extended and, if so, by how long; and**
- (2) That a report be submitted to the Council recommending accordingly.**

### **Report:**

1. At the Council meeting on 27 July 2010 (Minute 61), Mr D Macnab was appointed to the position of Acting Chief Executive with effect from 28 July 2010 until 31 December 2010. At that meeting Mr Macnab was also appointed as Head of Paid Service.
2. As the Council also decided to launch the recruitment process for a permanent Chief Executive, that appointment was extended again to 31 August 2011. The Council also agreed the following proviso:  
  
“...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 another collaborative arrangement for a Chief Executive”.
3. However, the recruitment process has not been undertaken and it is therefore recommended that Mr Macnab’s appointment as Acting Chief Executive should be further reviewed again.
4. The extension of this contract would be on exactly the same terms and the Committee is requested to agree the new termination date and recommend accordingly to the Council.
5. The cost of the contract extension can be met from existing resources in the current financial year from salary provision for the budget for the Chief Executive’s post, for 2010/11, less the cost of the Acting Chief Executive’s “acting up” salary addition.
6. The contractual position is that this is an extension to an acting up role. Mr Macnab remains permanently employed as the Deputy Chief Executive. Thus the Fixed Term (Prevention of Less Favourable Treatment) Regulations 2002

do not apply. In any event- where those regulations are engaged, there must be a consecutive series of fixed term contracts which cumulatively exceed 4 years before the contract matures to a permanent one.

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