

Report to the Council

Report of: Committee for the Appointment of
a Chief Executive

Date: 16 November 2010

Chairman: Councillor Mrs D Collins

Item: 18

1. APPOINTMENT OF CHIEF EXECUTIVE

Recommending:

(1) That this Committee be delegated the task under Regulation 3(i) and Part II of Schedule 2 to the Local Authorities (Standing Orders) Regulation 2001 of notifying the Proper Officer of the person to whom it is intended to make an offer of the position of Chief Executive; and

(2) That the Assistant to the Chief Executive be appointed as Proper Officer under those Regulations.

(3) That the action being taken by the Committee in relation to the recruitment of a Chief Executive be noted as follows:

(a) the provisional timetable outlined in this report; and

(b) the deadline for deciding when recruitment should be launched (1 March 2011); and

(4) That Mr D Macnab's appointment as Acting Chief Executive (including Acting Head of Paid Service) be extended to 31 August 2011 on the same terms as agreed by the Council pursuant to the decisions made on 27 July 2010, subject to this appointment being terminated at an earlier date if it proves possible to appoint a Chief Executive at an earlier date or the Council decides to pursue another collaborative arrangement for a Chief Executive.

1. We were appointed by the Council on 30 July 2010 (Minute 61) with the following terms of reference:

"(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 a Council's Chief Executive (Head of Paid Service);

(b) To consider arrangements for 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."
2. To date we have held two meetings. The first was held on 29 October 2010 and was an informal briefing with the Council's recruitment advisers. Our first formal meeting was held on 16 November 2010, at which we considered:
 - (a) constitutional/procedure matters which need to be resolved;
 - (b) the timescale for recruitment;
 - (c) budget restraints and joint working with other Councils in the context of the opportunities for delivering the Chief Executive role in other ways;
 - (d) the Acting Chief Executive appointment made by the Council.
 3. We have yet to review the job description and other related documents for the post or issues about remuneration. This is because we need to take time to look at the options open to the Council instead of appointing its own Chief Executive. The Council will be aware that the current position on local authority funding by the Government. The situation regarding joint working with neighbouring District Councils is a fluid one and we have concentrated on those issues so far.
 4. We regret that that we were not able to submit a report to the September Council meeting but this was because of the situation we have outlined in the preceding paragraph.

Procedural Requirements

5. At our first formal meeting, we considered two procedural matters. We considered a report of the Assistant to the Chief Executive concerning a requirement of the 2001 Regulations for the appointment of a Proper Offer in connection with notifying the Cabinet of a successful candidate.
6. The Committee noted that these regulations identified an "Appointor" (being a Council body or officer) to make any appointment and a "Proper Officer" to carry out actions required by those Regulations. We noted that the Appointor would be the full Council and under the regulations the Council would be required to notify a Proper Officer of the name and any other relevant particulars of the appointee proposed. The Proper Officer was then required to notify every member of the Cabinet of the name and the particulars of that person and provide a period during which an objection to the making of the offer could be notified by the Leader on behalf of the Executive.

7. We are therefore making recommendations on:
 - (a) delegating the task and notifying the Proper Officer of the intended appointment to this Committee; and
 - (b) appointing a Proper Officer.
8. These appointments are dealt with in recommendations (1) and (2) of this report. We would emphasise that the final decision on the Chief Executive position will be one for the Council itself, not this Committee.

Options for Delivering the Role of Chief Executive

9. In our terms of reference (Item (f) in paragraph 1 of this report), we are asked to look at other options for delivering the role of Chief Executive as alternatives to the Council appointing its own officer.
10. We have reviewed the other options available. One of these was joint management arrangements with neighbouring District Councils (Harlow and Uttlesford District Councils). The Committee noted that these discussions were at a very early stage but might form the basis of a management grouping which would mean that appointing our own Chief Executive would not be necessary. We recognise that this Council is in an influential position in those discussions because this Council is the only one with a vacancy. We feel that another determining factor is the forthcoming announcement following the Government's recent comprehensive spending review. The effect on each of the three Councils' budgets will influence the decision on whether this Council should appoint its own Chief Executive or pursue a collaborative arrangement.
11. We also discussed another option being promoted by Essex County Council, namely, one Chief Executive and 5 location managers for groups of Districts. This is a development of the current arrangement between Essex County and Brentwood Borough Councils for shared top management. We noted that this was being promoted by the County Council but we had reservations about the idea, preferring a more locally-based solution (if one is possible) with our neighbouring Councils rather than one centred on County Hall.
12. We have concluded that the Council is obligated to consider all savings proposals in relation to the Chief Executive appointment but acknowledged that until the financial position was known in greater detail and the discussions with neighbouring Councils had proceeded further, it would be premature to reach a firm conclusion on the kind of appointment to be made.
13. We have agreed that the Committee needs to think about the position before our next meeting on 20 December 2010 by which time the Government's spending decisions will be known and discussions on inter-authority arrangements will have progressed further. This will also determine the basis on which the recruitment process will take place.
14. The Committee has decided that a conclusion to those discussions with Harlow and Uttlesford would have been reached so that a decision could be made by 1 March 2011 on launching the recruitment process. A potential timescale would be as follows:
 - (a) Advertising March 2011;

- (b) April – long listing of candidates;
 - (c) May 2011 shortlisting and appointment; and
 - (d) September 2011 – new Chief Executive takes up appointment.
15. We are asking the Council to note the current position on these issues.

Deputy Chief Executive

16. At the Council meeting in July, Mr D Macnab was appointed as Acting Chief Executive until 31 December 2010. The Council will note from this report that we now envisage that the recruitment process will now result in an appointment in September 2011, or perhaps earlier.
17. Mr Macnab's appointment should now be extended to 31 August 2011 to reflect the longer timescale. We are recommending this action to ensure the Council has a lead officer until matters are resolved. We are adding a condition to the extension of his appointment that if it were possible for of a Chief Executive to be appointed before September 2011, the Acting Chief Executive position would terminate at that point. Mr Macnab does, of course, still hold the substantive post of Deputy Chief Executive.
18. We recommend as set out at the commencement of this report.