

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)

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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