

# ***Report to the Council***

***Date of Meeting: 26 July 2011***

**Report of: Committee for the Appointment of a Chief Executive**

**Chairman: Councillor Jon Whitehouse**

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## **RECOMMENDING:**

- (1) 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).**
- (2) 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 this report being amended to read as follows:  
  
“... 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 alternative arrangements for a Chief Executive”.**
- (3) That the following work now being undertaken by the Committee be noted:
  - (a) researching the procurement of advisers to assist the Committee in any recruitment process;**
  - (b) further review of the job description, person specification, remuneration and recruitment process;**
  - (c) further review of joint management and any other alternative arrangements;**
  - (d) a provisional timetable for achieving the appointment of a Chief Executive by 31 August 2012.****
- (4) That the Council notes that no further resources will be committed to any of the steps set out in (3) 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.**
- (5) That paragraph (d) of the Committee’s terms of reference be amended to refer to the new deadline of 31 August 2012.**

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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 subsequently extended 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 yet been undertaken and it is therefore recommended that Mr Macnab's appointment as Acting Chief Executive should be extended to 31 August 2012.
4. We are recommending an extension of a further 12 months for a number of reasons:
  - (a) the need to appoint new recruitment advisers to replace the previous consultancy;
  - (b) the need for the Council to resolve the issue of whether joint management or alternative arrangements are to be pursued;
  - (c) the need for the forthcoming Ernst and Young report on service efficiencies and value for money to be considered by the Council and, in particular, any structural issues which arise; and
  - (d) the timescale for recruitment.
5. Although the Council will see that there are a number of matters which the Council must resolve, we would hope that this will be the last contract extension for the Acting Chief Executive position.
6. The extension of Mr Macnab's contract will be on the same terms as previously agreed by the Council. However, in recommendation (2) we are proposing a change relating to the curtailment of this contract extension if the Council agrees a new appointment before 31 August 2012 of whatever kind.
7. 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. This funding will also be used to fund consultancy costs.
8. We confirm that 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.
9. Recommendations (3) and (4) set out the work which we will now be undertaken on recruitment. This will be subject to the Council's review of the Ernst and Young report which could be submitted to the Council on 1 November 2011. Recommendation (5) proposes a small change to our terms of reference relating to the new date of 31 August 2012.
10. We recommend as set out at the commencement of this report.