

Report to the Council

Committee: Committee for the Appointment of a Chief Executive

Date: 18 June 2012

Chairman: Councillor Jon Whitehouse

1. APPOINTMENT OF A CHIEF EXECUTIVE - RECOMMENDATION

Recommendations:

(1) To receive an oral report from the Chairman of the Committee on consultation under the Local Authorities (Standing Orders) (England) Regulations 2001 with members of the Executive regarding the proposed appointment of Mr G. Chipp to the position of Chief Executive, identifying any objections;

(2) That, subject to recommendations (1) above, Mr G. Chipp be offered the position of Chief Executive at the salary indicated in the report subject to final agreement of the contract;

(3) That the Chairman of this Committee and the Leader of the Council, in consultation with the Assistant Director (Human Resources) and Messrs GatenbySanderson, be authorised to agree a starting date and agree any other detailed terms in the contract as may arise, subject to legal advice from a nominated employment law specialist from the Public Legal Partnership;

(4) That the Council note that the Contract of Employment for the Chief Executive will make specific provision for clear and measurable performance management and supervision based on;

(a) the Council's key objectives;

(b) specific personal targets to be set for the Chief Executive by the Leader of the Council; and

(c) regular review meetings with the Leader of the Council of a kind and at a frequency which meets the best interests of the Council, together with an annual appraisal;

(5) That the Overview & Scrutiny Committee receive a report on the recruitment process for this appointment and be requested to undertake, through the Constitution & Member Services Standing Scrutiny Panel, a review of the Constitution's Employment Procedure Rules in the light of recent legal advice;

(6) That, if necessary, the temporary contract of the Acting Chief Executive be extended if the new Chief Executive takes up his duties after 31 August 2012 and that the Chairman of the Committee and the Leader of the Council be authorised to agree the revised termination date for the temporary contract and Mr Macnab's return to his substantive post of Deputy Chief Executive; and

(7) That the Council's appreciation of Mr D. Macnab's work as Acting Chief Executive be recorded.

1. We reported to the Council meeting on 27 March 2012 on progress with recruiting a new Chief Executive. At that meeting the Council agreed to call this extraordinary meeting in order to confirm an appointment to the position.

The Selection Process

2. The post of Chief Executive was advertised with a closing date in mid-April 2012. We authorised the Council's recruitment advisers, Messrs GatenbySanderson, to produce a long list of applicants for informal discussion. The recruitment advert produced 43 firm applications and we agreed proposals by GatenbySanderson for a long list of 11 candidates.
3. Applicants were then involved in technical interviews with GatenbySanderson and a peer adviser recruited by the company, the latter being a Chief Executive of another local authority. At our meeting on 18 May 2012, we received a detailed report from GatenbySanderson on the results of the technical interviews and an assessment of each of the long listed candidates. As a result, we agreed a short list of five candidates who were submitted to a two day recruitment exercise held on 7 and 8 June 2012. Members of the Committee attended and participated in this exercise.

Applications

4. We were impressed with the range of applicants and the strength of the long and shortlists. Our approach throughout the process has been to ensure that the widest range of credible applicants came forward. We are happy to report that we achieved this. Applicants included established figures in local government and aspirant candidates. There were applications from individuals who had experience in the private sector and other areas of public service, outside local government.
5. In terms of the individual characteristics for our Chief Executive, we advised GatenbySanderson that the Council was seeking:
 - (a) a Chief Executive capable of ensuring that the Council can achieve its major objectives in the short and medium terms;
 - (b) a Chief Executive who can articulate a vision for the Council and commit others (both inside and outside the Council) to achieving those objectives;
 - (c) a Chief Executive who would be capable of delivering new ways of working where required; and
 - (d) a Chief Executive who will be an effective advocate for the Council's interests in a wide range of external forums.
6. The job description and person specification for the position of Chief Executive was produced with these attributes in mind.

The Recommended Candidate

7. We met again as a Committee at the conclusion of the selection centre on 8 June 2012 and agreed that the candidate set out in recommendation (2) should be

duly appointed as Chief Executive.

8. Our recommended candidate is Mr G. Chipp, who currently holds the position of Strategic Director for Place with Bath & North East Somerset Council (a unitary authority). The responsibilities of his current position cover planning, transport, environmental and waste services, tourism and leisure & culture, economic development and major capital projects. He joined Bath & North East Somerset in 2009. Mr Chipp is a qualified Chartered Accountant with 20 years experience at board level in blue-chip private sector companies spanning the travel industry, newspaper publishing, consumer durables and financial services.

Right of Objection to the Proposed Appointment

9. Under the Local Authorities (Standing Orders) Regulations 2001, the Committee was required to notify the Proper Officer (in this case the Council has appointed Mr I. Willett, Assistant to the Chief Executive in that capacity) of the name of the person to whom it is intended to make an offer of appointment. These regulations are designed to allow the Cabinet members to object if they so wish to any proposed appointment. This reflects the fact that the appointment of a Chief Executive/Head of Paid Service is matter for the Council rather than the Cabinet.
10. The Proper Officer has advised each member of the Cabinet and provided them with relevant information on the proposed appointee. A deadline of 15 June 2012 was set for any objection to the proposed appointment to be made. Within that deadline any member of the Cabinet may object and the Council would then have to decide, if such an objection were received, whether it is material and well-founded.
11. The outcome of this process will be reported orally at the meeting by the Chairman of the Committee under recommendation (1).

Overview & Scrutiny Review

12. Last year, the Council adopted recommendations of an Overview & Scrutiny Task & Finish Panel (OS) regarding the process for recruiting to top management positions and employment contracts. We have carefully followed these requirements throughout this process and set out below how the various recommendations of OS are to be addressed;

(a) Evaluation of Process

We are recommending that a review report be submitted to the OS Committee once this recruitment has been finalised.

(b) Constitution – Review of Employment Procedure Rules

We are recommending that this review be undertaken by the Constitution & Member Services SSP as originally requested in the review report. This will also build into those rules reference to the right of objection by Cabinet members in respect of the Chief Executive appointments.

(c) Chief Executive – Performance Management & Supervision

The OS review called for clear and measurable performance management and supervision arrangements to be put in place. We are asking the Council to note under recommendation (4) that the employment contract with the new Chief Executive will make specific provision for both performance management and

supervision. Initially, there will be a discussion between the Chief Executive and the Leader of the Council about key tasks to be delivered by the post holder. These will naturally refer to the Council's key corporate objectives but will also involve personal target setting for the Chief Executive himself. We are sure that this will be achieved by discussion and agreement. We wish to see regular meetings between the Leader and the Chief Executive so that those targets can be properly monitored.

(d) Chief Executive – Resolution of Employment Issues Short of Disputes

The Council agreed that there should be procedures available for the resolution of issues which fall short of formal disputes, ie grievance, disciplinary and capability questions. We will have regard to national advice on the Chief Executive role and best practice from other Councils. We anticipate that the use of the Designated Independent Person procedure will be reserved to formal processes. The Council will have regard to the model procedures included in the Joint Negotiating Committee for Local Authority Chief Executives National Salary Framework & Conditions of Service Handbook and applying the principles of existing Council policies.

(e) The Employment Contract

We are seeking an employment contract with the Chief Executive which conforms as much as possible to the standard form which the Council uses for all staff. However, by the very nature of this appointment there may be some variations, for instance in relation to performance management and supervision. It is also possible that the provisional offer we are recommending might trigger further discussions with the appointee to which the Council may need to respond. We wish to reassure the Council that were any significant changes to contract terms arise, we have arranged for legal advice to be available from the Public Legal Partnership (PLP) to advise on those matters. In any event, we also propose that the contract should be reviewed by an employment law specialist from another local authority even if nothing unusual arises.

Salary

13. This post was advertised at a salary range of £95,000 to £115,000 per annum. Having taken into account the current marketplace average for posts of this kind and the present salary of our preferred candidate, we are recommending a salary of £112,000 which we intend should cover attendance at evening meetings and London Inner Fringe Allowance. The Acting Chief Executive was appointed on a temporary contract with a salary of £110,000.

Delegated Authority

14. We are recommending an offer of employment subject to the agreement of a contract. This may mean that further matters may arise with our preferred candidate once contractual terms are discussed. So that the Council can respond quickly, we are seeking delegated authority for our Chairman and the Leader of the Council to deal with such negotiating points. We would assure the Council that any such discussions will only be within the framework of the Council's HR policies and based on the position as advertised. The two members will notify all members of any action taken under this delegation.

Acting Chief Executive

15. Mr D. Macnab was appointed by the Council in an acting capacity approximately 20 months ago to carry out the Chief Executive role. His temporary contract expires on 31 August 2012 and bearing in mind that Mr Chipp is likely to be under 3 months'

notice to his present employer and may not join the Council before that date, we are recommending that, if necessary, the acting appointment should be extended to coincide with the new Chief Executive taking up his duties. If the new Chief Executive joins the Council before 31 August 2012, existing Council decisions cover the termination of the temporary contract. Mr Macnab will revert to his substantive post of Deputy Chief Executive whenever the temporary contract of Acting Chief Executive comes to an end.

16. Subject to the outcome of recommendations (1), we recommend as set out at the commencement of this report and in particular that the Council's appreciation of Mr Macnab's service as Acting Chief Executive, which was in addition to his duties as Deputy Chief Executive, be recorded.