



COUNCIL - 21ST NOVEMBER 2017

SUBJECT: CONTRACT ARRANGEMENTS OF INTERIM CHIEF EXECUTIVE AND CONTINUATION OF INTERNAL MANAGEMENT ARRANGEMENTS

REPORT BY: DAVID STREET, CORPORATE DIRECTOR – SOCIAL SERVICES

1. PURPOSE OF REPORT

- 1.1 The Council is required by law to have in place a Head of Paid Service. Within the Council, this responsibility is designated to the Chief Executive.
- 1.2 On 22 July 2014, Council appointed Chris Burns to the post of Interim Chief Executive. This report requests that Council delegate the decision to extend the Interim Chief Executive's contract to the Leader in consultation with the two Deputy Leaders.
- 1.3 Members will be aware that interim arrangements have been in place in relation to the Director of Corporate Services and the Head of Legal Services / Monitoring Officer since March 2013 and April 2014 respectively. Members will also be aware that these posts are now substantively vacant with effect from 1 November 2017.
- 1.4 This report also requests that Council delegate the decision to extend the interim contract arrangements outlined in paragraph 1.3 above to the Leader in consultation with two Deputy Leaders and also the decision with regards to the longer term permanent recruitment to these posts.

2. SUMMARY

- 2.1 Interim arrangements have been in place for the positions of Chief Executive, Director of Corporate Services and Head of Legal Services / Monitoring Officer as outlined in section 1 of this report, which now need to be reviewed by Council and a decision made with regards to their continuation.

3. LINKS TO STRATEGY

- 3.1 The recommendations set out in this report contribute to the following Well-being goals within the Well-being of Future Generations Act (Wales) 2015:
 - A more equal Wales
- 3.2 To achieve the Council's strategic aims, provide services as planned and to fulfil its statutory duties, including the duty to make arrangements to secure continuous improvement.

4. THE REPORT

- 4.1 Members will be aware of the current interim arrangements in place within the Authority since the initial suspension of three Senior Officers.

- 4.2 As stated, the Council is required by law to have in place a Head of Paid Service. Within the Council, this responsibility is designated to the Chief Executive, who also undertakes the required statutory roles of Proper Officer for the registration of births, marriages and deaths and the Returning Officer.
- 4.3 Following a competitive external recruitment process, on 22 July 2014, Council appointed Chris Burns to the post of Interim Chief Executive to undertake these duties on a fixed term contract for a period of 12 months. Council, on 9 June 2015, agreed to further extend the contract for a period of 12 months with effect from 1 September 2015. Council, on 19 April 2016, again agreed to extend this contract for a further period of 12 months with effect from 1 September 2016. Council, on 31 July 2017 agreed to extend this contract for a further period of 3 months with effect from 1 September 2017.
- 4.4 This interim contract is therefore due to end on 31 December 2017.
- 4.5 Members will also be aware that the Investigating and Disciplinary Committee, at its meeting on the 10th March 2017, resolved that there were allegations in respect of the three Senior officers that required formal investigation and that the matter be referred to a Designated Independent Person to undertake a comprehensive investigation in accordance with the Disciplinary Proceedings for Statutory Officers.
- 4.6 Members will be aware from the report to Council on 31 October 2017, that the expectation is that the Designated Independent Person stage of this investigation would most likely take 12 months. However, this related to the investigation of the three Senior Officers and Members will be aware from the decision made at Council on 31 October 2017, that the investigation now only involves one of the Senior Officers and therefore a quicker resolution is expected of this case.
- 4.7 Consequently, it is necessary to consider the contract of the current Interim Chief Executive and whether or not this should be extended beyond 31 December 2017.
- 4.8 Currently, the Authority is engaged in a number of significant projects, including City Deal, Twenty First Century Schools, management of the medium term financial plan and the collaboration agenda. Council is therefore asked to delegate the decision to extend the Interim Chief Executive's contract to the Leader in consultation with the two Deputy Leaders in order to provide ongoing continuity for the organisation.
- 4.9 Members are asked to note that Welsh Government have been notified of the request being made to Council.
- 4.10 Members will recall from previous reports that interim arrangements are in place in relation to the Director of Corporate Services and the Head of Legal Services / Monitoring Officer. Members will also be aware from the Council meeting on 31 October 2017 that these posts are now substantively vacant.
- 4.11 Council is therefore asked to delegate the decision to extend the interim contract arrangements for the Director of Corporate Services and the Head of Legal Services / Monitoring Officer to the Leader in consultation with the two Deputy Leaders and also the decision with regards to the longer term permanent recruitment to these posts.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 Having considered the five ways of working, they will not be affected by the contents of this report.

6. EQUALITIES IMPLICATIONS

- 6.1 No equality impact assessment has been undertaken on this report as it essentially covers an extension to arrangements already agreed.

7. FINANCIAL IMPLICATIONS

- 7.1 There are revenue budgets established for the posts of Chief Executive, Director of Corporate Services and Head of Legal Services / Monitoring Officer. Postholders currently fulfilling these duties are funded from these revenue budgets.
- 7.2 Additional costs associated with the three Senior Officers have been funded from a provision established using General Fund reserves as approved by Council. A separate report is included on this evening's agenda regarding the need to establish a further financial provision. Following the decision made by Council on 31 October 2017, this additional provision is for a reduced sum as only allegations in respect of one Senior Officer will now be referred to a Designated Independent Person.

8. PERSONNEL IMPLICATIONS

- 8.1 The personnel implications are included in this report.

9. CONSULTATIONS

- 9.1 All consultation responses have been incorporated in the report.

10. RECOMMENDATIONS

- 10.1 Council is asked to agree to delegate the decision to extend the Interim Chief Executive's contract to the Leader in consultation with the two Deputy Leaders.
- 10.2 Council is asked to delegate the decision to extend the interim contract arrangements for the Director of Corporate Services and the Head of Legal Services / Monitoring Officer to the Leader in consultation with the two Deputy Leaders and also the decision with regards to the longer term permanent recruitment to these posts.

11. REASONS FOR THE RECOMMENDATIONS

- 11.1 To ensure the Council complies with its statutory requirements to have in place a Head of Paid Service.
- 11.2 To ensure the Council has effective leadership to provide ongoing continuity for the organisation to deliver services to the residents of the County Borough.

12. STATUTORY POWER

- 12.1 Local Government Acts 1972 and 2000
Local Government and Housing Act 1989
Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014
Local Government (Wales) Bill 2015

Author: Lynne Donovan, Acting Head of Human Resources and Organisational Development
Consultees: Cllr David Poole, Leader of the Council
Cllr Barbara Jones, Deputy Leader
Cllr Sean Morgan, Deputy Leader
Cllr Colin Gordon, Cabinet Member for Corporate Services
Christina Harray, Corporate Director - Communities
Andrew Southcombe, Finance Manager

Background papers:

Council report 22 July 2014 'Recruitment of Interim Chief Executive'

Council report 9 June 2015 'Contract arrangements of Interim Chief Executive'

Council report 19 April 2016 'Contract arrangements of Interim Chief Executive and continuation of internal management arrangements'

Council report 31 July 2017 'Contract arrangements of Interim Chief Executive and continuation of internal management arrangements'

Council report 21 November 2017 'Internal investigation of Senior Officer – additional financial provision'