



## COUNCIL – 19TH APRIL 2016

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

**REPORT BY: CORPORATE DIRECTOR SOCIAL SERVICES**

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### **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 seeks a decision from Council to further extend the contract arrangements.
- 1.3 Members will also 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.
- 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 Interim Chief Executive.

### **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 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.
- 4.4 To end this interim contract on 31 August 2016, three months' notice has to be provided to Mr Burns on 31 May 2016 at the latest.
- 4.5 Members will be aware that the Criminal Proceedings against the three Senior Officers were dropped in October 2015 and the Authority is progressing internal procedures in accordance with the statutory requirements.
- 4.6 The procedures must be conducted fairly and thoroughly and therefore are taking time to progress accordingly.
- 4.7 It is therefore now appropriate to consider the contract of the current Interim Chief Executive and whether or not this should be extended beyond 31 August 2016, having regard to the three month notice period required.
- 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, responding to the requirements of the Well-being of Future Generations (Wales) Act 2015 and the proposed reform of Local Government. In order to provide ongoing continuity for the organisation, it is proposed to extend the Interim Chief Executive's contract by a further year i.e. to 31 August 2017, at which time it would be reviewed again.
- 4.9 If Council agrees to the extension of the fixed term contract, the Interim Chief Executive will be employed on the agreed salary and terms and conditions as published in the Council's Pay Policy Statement.
- 4.10 For completeness, Members are advised that the Interim Chief Executive has indicated his agreement to an extension of the contract for a further 12 months, subject to Council approval.
- 4.11 The proposed extension to the interim appointment will be subject to early termination by the service of three months' notice by either party. This will enable the Council to review the arrangements quickly should circumstances change.
- 4.12 Members are asked to note that Welsh Government have been notified that Council are being asked to consider an extension to this interim appointment.
- 4.13 Members will be aware that the Chief Executives terms and conditions are agreed by a separate body i.e. the JNC for Chief Executives, which negotiates on a national basis. Agreement has now been reached on a national pay award and this is 1% with effect from 1 April 2016 and 1 April 2017. WLGA have received confirmation from the Chair of the Independent Remuneration Panel that the pay award can be implemented without the involvement of the panel.
- 4.14 Pay awards for the Chief Executive are currently not covered in the Council's Pay Policy, therefore, Members are asked to agree the national pay award of 1% with effect from 1 April 2016 for the Interim Chief Executive.
- 4.15 Members will also be aware 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.

- 4.16 Due to the circumstances outlined within this report which is requesting Council's agreement to extend the contract of employment for the Interim Chief Executive, Members are also asked to delegate authority to the Interim Chief Executive to extend both these contracts of employment as appropriate.
- 4.17 Should circumstances change, the interim contracts can again be reviewed quickly.

## **5. EQUALITIES IMPLICATIONS**

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

## **6. FINANCIAL IMPLICATIONS**

- 6.1 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.
- 6.2 Additional costs associated with the three Senior Officers have been funded from a provision established using General Fund reserves as approved by Council. A further report to Council will be prepared if this provision requires additional funding.

## **7. PERSONNEL IMPLICATIONS**

- 7.1 The personnel implications are included in this report.

## **8. CONSULTATIONS**

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

## **9. RECOMMENDATIONS**

- 9.1 Council is asked to agree to extend the contract of the current Interim Chief Executive for a further 12 months with effect from 1 September 2016. This fixed term arrangement is subject to 3 months' notice period on either side.
- 9.2 Council is asked to agree the national pay award of 1% with effect from 1 April 2016 for the Interim Chief Executive.
- 9.3 Council is asked to delegate the decision to the Interim Chief Executive to extend the contracts of the current Interim Director of Corporate Services and Interim Head of Legal Services / Monitoring Officer as appropriate.

## **10. REASONS FOR THE RECOMMENDATIONS**

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

## **11. STATUTORY POWER**

- 11.1 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

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Background papers: Council report 22 July 2014 'Recruitment of Interim Chief Executive'  
Council report 9 June 2015 'Contract arrangements of Interim Chief Executive''