



## **SPECIAL MEETING OF COUNCIL – 31ST JULY 2017**

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

**REPORT BY: DAVID STREET, 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 The recommendations set out in this report contribute to the following Well-being goals within the Well-being of Future Generations Act (Wales) 2016:
  - 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.
- 4.4 This interim contract is therefore due to end on 31 August 2017.
- 4.5 Following the dismissal of the Criminal Proceedings, the Authority is now progressing internal investigations in accordance with the Council's approved procedures and statutory requirements.
- 4.6 Members will also be aware that the Investigating and Disciplinary Committee, at its meeting on the 10th March 2017, resolved that there were allegations 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.
- 4.7 Members were advised at Council on 13 June 2017, that external legal advisors who have been involved in such processes previously have suggested that the process will take at least one hundred days. Consequently, it is necessary to consider the contract of the current Interim Chief Executive and whether or not this should be extended beyond 31 August 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. In order to provide ongoing continuity for the organisation, it is proposed to extend the Interim Chief Executive's contract until 31 December 2017, at which time it would be reviewed again, in line with the financial provision agreed by Council at the meeting held on 13 June 2017.
- 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 until 31 December 2017, subject to Council approval.
- 4.11 The Interim Chief Executive's contract has been subject to three months notice to terminate on either side. As the extended contract is proposed for a period of four months, it is recommended to Council that the notice period be reduced to one month on either side.
- 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 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.
- 4.14 Due to the circumstances outlined within this report which is requesting Council's agreement to consider the contract of employment for the Interim Chief Executive, Members are also asked to again delegate authority to the Interim Chief Executive to extend both these contracts of employment as appropriate.

- 4.15 Should circumstances change, the interim contracts for both employees can again be reviewed quickly.

## **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 further report to Council will be prepared if this provision requires additional funding.

## **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 extend the contract of the current Interim Chief Executive until 31 December 2017.
- 10.2 Council is asked to agree to 1 months' notice period on either side.
- 10.2 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.

## **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 Colin Gordon, Cabinet Member for Corporate Services  
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 13 June 2017 'Internal investigation of senior officers – additional financial provision'