



COUNCIL – 4TH JUNE 2019

SUBJECT: CONTRACT ARRANGEMENTS OF THE INTERIM CHIEF EXECUTIVE

REPORT BY: CORPORATE DIRECTOR – SOCIAL SERVICES AND HOUSING

1. PURPOSE OF REPORT

- 1.1 On 5 December 2017, Council appointed Christina HARRY to the post of Interim Chief Executive for a period of 6 months ending 30 June 2018. Council, at the meeting held on 17 April 2018, agreed to extend this interim contract until 30 June 2019. This report seeks a decision from Council to further extend this interim contract arrangement.

2. SUMMARY

- 2.1 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.
- 2.2 Arrangements have been in place for Christina HARRY to undertake the post of Interim Chief Executive since 1 January 2018. These interim arrangements now need to be reviewed by Council and a decision made with regards to their continuation.
- 2.3 Members will be aware that as a consequence of this interim appointment, there is now also an interim arrangement in place for the post of Corporate Director, Communities. At the Council meeting held on 17 April 2018, Members delegated the decision to extend the interim contract arrangements for the Corporate Director, Communities, to the Interim Chief Executive in consultation with the Leader and the two Deputy Leaders.

3. RECOMMENDATIONS

- 3.1 Council is asked to agree to extend the contract of the current Interim Chief Executive until 31 March 2020.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 To ensure the Council complies with its statutory requirements to have in place a Head of Paid Service.

5. THE REPORT

- 5.1 Members will be aware of the interim arrangements that have been in place within the Authority since the suspension of the substantive Chief Executive in March 2013.

- 5.2 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.
- 5.3 Council at the meeting held on 5 December 2017, confirmed Mrs Harry's interim appointment to this post for a period of six months effective from January 2018. This interim contract was reviewed by Council on 17 April 2018, and a decision was made to extend it until 30 June 2019.
- 5.4 Members will be aware that allegations in relation to the substantive Chief Executive have been referred to a Designated Independent Person (DIP) to undertake an investigation in accordance with Welsh Government's statutory process for Disciplinary Proceedings for Statutory Officers. The DIP has concluded the investigation and is currently working on the report. It would be inappropriate to comment any further at this stage.
- 5.5 Consequently, it is necessary to consider the contract of the current Interim Chief Executive and whether or not this should be extended beyond 30 June 2019.
- 5.6 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 (MTFP) 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 March 2020, at which time it would be reviewed again, if required.
- 5.7 This timeframe takes account of the estimated period for the investigation as outlined in 5.4 and allows the Council to progress the recommendation of the DIP, whilst maintaining stability for the organisation. Should circumstances change, the interim contract arrangement can be reviewed quickly and can be terminated at any time during the extension period.
- 5.8 If Council agrees to the extension of the fixed-term contract, the Interim Chief Executive will be employed on the previously agreed salary and terms and conditions as published in the Council's Pay Policy Statement.
- 5.9 For completeness, Members are advised that the Interim Chief Executive has indicated her agreement to an extension of the interim contract until 31 March 2020, subject to Council approval.
- 5.10 Members are asked to note that Welsh Government has been notified that Council are being asked to consider an extension to this interim appointment.

Conclusion

- 5.11 The Council is required by law to have in place a Head of Paid Service and the Council has designated this responsibility to the Chief Executive. Continuing the interim appointment of Christina Harry to this post ensures that the Council complies with its statutory requirements to have in place a Head of Paid Service whilst the substantive Chief Executive is subject to a disciplinary investigation in line with the statutory procedure for Statutory Officers.

6. ASSUMPTIONS

- 6.1 There are no assumptions made within this report.

7. LINKS TO RELEVANT COUNCIL POLICIES

7.1 The Chief Executive leads the Council to deliver the strategic aims, to provide services as planned and to fulfil its statutory duties, including the duty to make arrangements to secure continuous improvement.

7.2 Corporate Plan 2018-2023

The Chief Executive post is key to ensuring the delivery of the Corporate Plan 2018 – 23, which defines the Council's over-arching vision, supported with clear objectives and priorities, so that everyone is clear about the direction of travel and what we are aiming to achieve and most importantly, the role that each and everyone has to play in shaping it.

8. WELL-BEING OF FUTURE GENERATIONS

8.1 Having considered the five ways of working, the recommendation set out in this report contributes to the following Well-being goal:

- A more equal Wales

9. EQUALITIES IMPLICATIONS

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

10. FINANCIAL IMPLICATIONS

10.1 There is a revenue budget established for the post of Chief Executive and the post-holder currently fulfilling these duties on an interim basis is funded from the revenue budget.

10.2 Additional costs associated with the Senior Officer investigation have been funded from financial provisions previously approved by Council.

11. PERSONNEL IMPLICATIONS

11.1 The personnel implications are included in this report.

12. CONSULTATIONS

12.1 All consultation responses have been incorporated in the report.

13. STATUTORY POWER

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

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Richard Edmunds, Corporate Director – Education and Corporate Services
Robert Tranter, Head of Legal Services and Monitoring Officer
Stephen Harris, Interim Head of Business Improvement Services and Acting S151 Officer

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 31 October 2017 'Potential Settlement Agreements'
Council report 21 November 2017 'Contract arrangements of Interim Chief Executive and continuation of internal management arrangements'
Council report 5 December 2017 'Designation of Interim Head of Paid Service'
Council report 17 April 2018 'Contract arrangements of the Interim Chief Executive'