

Proposed Change to Interim Chief Executive's Terms and Conditions

Extraordinary General Purposes Committee	12 December 2023
Report Author	Sonia Godfrey, Head of Human Resources
Portfolio Holder	Councillor Everitt, Leader and Cabinet Member for Strategy and Transformation
Status	For Decision
Classification:	Restricted
Key Decision	No
Ward:	N/A

Executive Summary:

The General Purposes Committee is being asked to review the proposal to amend the Terms and Conditions of the Interim Chief Executive, Mr Colin Carmichael.

Recommendation(s):

The General Purposes Committee is being asked to agree the following recommendations:

1. It is proposed to increase Mr Colin Carmichael's contracted hours to full time, 37 hours per week to accurately reflect the additional hours that the role of Chief Executive demands;
2. For this change to be backdated to 1 August 2023 in recognition of when the increase in hours worked took effect; and
3. To retrospectively approve the prior increase in Mr Colin Carmichael's contracted hours, which were increased from 22.5 hours per week to 30 hours in November 2022.

Corporate Implications

Financial and Value for Money

The full time equivalent salary for the Council's Interim Chief Executive is currently £143,626, for which Colin Carmichael is currently paid on a pro rata basis at 0.8 full time equivalent, receiving £116,453.51 per annum. The Council budgets for the full time equivalent salary for this role and therefore the additional costs of increase of hours can be met from existing budgets.

Legal

In accordance with the provisions of the Localism Act, the Chief Executive's salary is set out in the Council's Pay Policy Statement. As the determination of the Chief Executive's pay is a non-executive function, the matter of the increase in hours and commensurate salary is a matter to be determined by the General Purposes Committee.

Risk Management

None

Corporate

The proposed change to contracted hours accurately reflects hours that have already been worked and that the role demands thus ensuring correct contract terms and remuneration compliant with relevant employment legislation and best practice.

Equality Act 2010 & Public Sector Equality Duty

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

This report relates to the following aim of the equality duty: -

- To eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act.

1.0 Introduction and Background

1.1 This report sets out a proposal to amend the Terms and Conditions of the Interim Chief Executive, Colin Carmichael.

1.2 Mr Colin Carmichael joined the Council as Interim Chief Executive in August 2022, initially on a 12 month fixed term contract for 22.5 hours per week. Mr Carmichael is employed directly by the Council and not as an interim agency worker or consultant.

1.3 Due to the demands of the role it was necessary to increase Mr Carmichael's contracted hours thus increasing working hours to 30 hours per week, and this was

approved by the previous leader of the Council and was effective from 1 November 2022. Officers acknowledge that the governance process for this previous contractual change was not correctly followed, as it did not go to GPC, but the presentation of this report to the current General Purpose Committee seeks to remedy this previous error, with a retrospective request for approval.

- 1.4 On 13 July 2023, Full Council approved the extension of Colin Carmichael's employment for a further 12 months to 31 July 2024.

2.0 Governance

- 2.1 Employment matters related to statutory officers are delegated to the General Purposes Committee. The committee is therefore being asked to consider and decide on the proposal as detailed in the options section in paras 3.1 and 3.2 of this report.

3.0 Options

- 3.1 The following is proposed:

a. It is proposed to increase Mr Colin Carmichael's contracted working hours to full time, 37 hours, to accurately reflect the additional hours that this role demands.

- 3.2 The rationale for doing so is to amend Mr Colin Carmichael's contract of employment thus reflecting actual working hours and to ensure Mr Colin Carmichael is fairly remunerated.

a. That this change is backdated to 1 August 2023

4.0 Next Steps

- 4.1 Once agreed Mr Colin Carmichael's contract will be updated to reflect the new changes as agreed by the General Purposes Committee.

- 4.2 Notification of contract changes will be actioned via Payroll in the next available payroll run.

Contact Officer: *Sonia Godfrey, Head of Human Resources*

Reporting to: *Chris Blundell, Director of Corporate Services & Section 151*

Annex List

None

Background Papers

None

Corporate Consultation

Finance: *Chris Blundell, Director of Corporate Services & Section 151*

Legal: Ingrid Brown, Head of Legal and Democracy & Monitoring Officer