

# Proposed Change to Interim Chief Executive's Terms and Conditions

<b>Extraordinary General Purposes Committee</b>	14 March 2024
<b>Report Author</b>	Sonia Godfrey, Head of Human Resources
<b>Portfolio Holder</b>	Councillor Everitt, Leader and Cabinet Member for Strategy and Transformation
<b>Status</b>	For Decision
<b>Classification:</b>	Unrestricted
<b>Key Decision</b>	No
<b>Ward:</b>	N/A

## Executive Summary:

This report is for the General Purposes Committee to recommend to Council to extend the appointment of Colin Carmichael as Interim Chief Executive, Head of the Paid Service and Returning Officer for a further year, until 31 July 2025.

## Recommendation(s):

The General Purposes Committee is being asked to review and make the following recommendations to Full Council:

1. For Full Council to extend the appointment of Colin Carmichael as Interim Chief Executive, Head of the Paid Service and Returning Officer for a further year, until 31 July 2025;
2. To note that the Appointment Panel has the responsibility of determining the timing and process of the appointment of a permanent Chief Executive.

## Corporate Implications

### Financial and Value for Money

The Chief Executive position is included in the approved Council's staffing establishment and as such the cost of this proposed contract extension can be met from existing approved budgets.

## **Legal**

Section 4 of the Local Government and Housing Act 1989 4 requires that the Council designate one of its officers as Head of the Paid Service (usually the Chief Executive) who is responsible for preparing reports on the way the local authority's staff is organised, on the authority's staffing needs and on the coordination of the way in which the authority's functions are discharged.

In addition, Section 35 of the Representation of the People Act 1983 requires the Council to appoint an officer of the Council to be the Returning Officer for the election of councillors. The Council has traditionally appointed the Chief Executive as Returning Officer which is an independent statutory role.

Part 3 of the Council's Constitution provides that the appointment of the Head of Paid Service is a matter which is reserved to full council. It further provides that the Appointments Sub-Committee is responsible for interviewing and making recommendations to full Council for the permanent appointment of the Chief Executive as Head of Paid Service; subject to no objections being submitted by the Executive.

## **Risk Management**

The role of a Head of Paid Service is a statutory appointment and by implication means that the Council must appoint to that role in order to be legally compliant to the Act. This role is also critical for the Council in terms of stability moving forward. Without the extension of this role there may be a risk of having a period without a Chief Executive in post and the need to cover with an acting up role until a permanent appointment is made.

## **Corporate**

The Council must appoint a Head of Paid Service and ensure there is no break in the continuity between one arrangement and the next. The proposal to extend the current interim arrangement ensures compliance and provides the Council continuation of a highly experienced interim Chief Executive and Head of Paid Service, until the position is appointed to permanently.

## **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.

There are no particular equalities considerations arising from the decision sought in this report.

## **1.0 Introduction and Background**

1.1 This report sets out a proposal to extend the contract term of the Interim Chief Executive, Colin Carmichael.

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

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

1.4 The Leader has discussed the contract term with Colin Carmichael and by mutual agreement, the proposal to Committee and Council is to extend the current contract for a further year to 31 July 2025.

1.5 It is anticipated that discussions will take place during the period relating to the appointment of a permanent Chief Executive and Head of Paid Service. The appointment of the Council's Chief Executive (on a permanent basis) is delegated to the Appointment Panel, which comprises Councillors Everitt, Whitehead, and Pugh. It is proposed that the Panel is asked to consider that possibility during the coming year as it deems appropriate. If no such discussions take place, Council will be asked to reconsider the position in July next year.

## **2.0 Governance**

2.1 Employment matters related to statutory officers are normally delegated to the General Purposes Committee however as this is a change in duration of contract the committee is therefore being asked to consider the recommendations and put forward to Full Council for decision.

### **3.0 Next Steps**

- 3.1 The General Purposes Committee to make a recommendation to the Full Council regarding extension of contract for Colin Carmichael as Interim Chief Executive, Head of the Paid Service and Returning Officer. This recommendation will then be considered by the Full Council at its meeting on the 28 March 2024.

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*