

## **Proposed change to Terms and Conditions of the Interim Chief Executive**

<b>General Purposes Committee</b>	27 February 2025
<b>By</b>	Sonia Godfrey, Head of Human Resources
<b>Cabinet Portfolio Member</b>	Councillor Everitt, Leader of the Council
<b>Key Decision</b>	No
<b>Decision classification</b>	Unrestricted
<b>Call in status</b>	N/A
<b>Ward:</b>	N/A

### **Purpose of the Report**

This report seeks a decision on the permanent appointment of the Council's Chief Executive.

### **Recommendation(s):**

The General Purposes Committee is asked to consider the following recommendations being made to Full Council:

1. The appointment of Colin Carmichael, currently Interim Chief Executive, Head of the Paid Service and Returning Officer, as permanent.

### **1. Summary of Reasons**

- 1.1 The role of Chief Executive of the Council has been filled by Colin Carmichael since July 2022. The Council has undergone significant positive change since that time and it is in the Council's interests to make this appointment permanent.

### **2. Background**

- 2.1 This report sets out a proposal to make the contract term of the Interim Chief Executive, Colin Carmichael, permanent.
- 2.2 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.
- 2.3 On 13 July 2023, Full Council approved the extension of Colin Carmichael's employment for a further 12 months to 31 July 2024. On 28 March 2024, Council further extended that employment to 31 July 2025

2.4 The Leader has discussed the contract term with Colin Carmichael and by mutual agreement, the proposal to Committee and Council is to make the current contract permanent. This proposal is made and agreed by Colin in the context of the government's recent initiation of a process of local government reorganisation, which is likely, by April 2008, to result in the cessation of Thanet as a District Council. Under those circumstances, the Leader is of the view that the council's interests are better served by continuing Colin's contract than by initiating a recruitment process for a new Chief Executive, who would only be in post for under 3 years. Given the current uncertainties about timescales, it seems most sensible to make the contract permanent.

### **3. Relevant Issues**

3.1 These are set out in the background section above.

### **4. Alternative Options**

4.1 Council could decide not to appoint Colin Carmichael into this permanent position and to go out to advert. This is not the preferred option. The Council has enjoyed a period of stability and improvement in so many regards under Colin Carmichael's leadership. Council could also decide to appoint Colin on a further short term contract. This is not the preferred option since it will not give staff the certainty they would benefit from during these times of change for local government. The recommended option is the preferred option.

### **5. Consultation**

5.1 There is no public law or statutory duty to consult in relation to the decision sought in this report.

### **6. Corporate Implications**

#### **6.1 Finance and Resources**

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

#### **6.2 Legal and Constitutional**

6.2.1 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.

6.2.2 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.

6.2.3 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.

6.2.4 The Council's Officer Procedure Rules allow for this appointment without going to advert in view of the fact that Colin is an existing member of staff.

### 6.3 Council Policies and Priorities

6.3.1 This report relates to the following corporate priorities: -



### 6.4 Risk

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 this decision 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

### 6.5 Climate Change and Biodiversity

6.5.1 There are no climate change or biodiversity implications arising from the decision sought in this report.

## 7. Equality, Equity and Diversity Implications

7.1 There are no particular equality implications arising from the decision sought in this report.

## 8. Crime and Disorder Implications and Community impact

8.1 There are no crime and disorder implications arising from the decision sought in this report.

## 9. Subject History

N/A

## **Appendices**

There are no appendices

## **Background Papers**

There are no background papers

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