

To: Council
Date: 27 November 2017
Report of: Executive Director (Organisational Development and Performance)
Title of Report: Extension of Interim Chief Executive's Fixed Term Contract

Summary and recommendations	
Purpose of report:	Council is asked to approve the recommendation of the Appointments Committee to extend the Interim Chief Executive's fixed term contract until 31 December 2020.
Key decision:	Yes
Executive Board Member:	Councillor Bob Price, Corporate Strategy and Economic Development
Corporate Priority:	None
Policy Framework:	Constitution
Recommendation(s): That Council resolves to:	
<ol style="list-style-type: none"> 1. Agree the recommendation from the Appointments Committee for a 3 year extension to the Interim Chief Executive's current fixed-term contract to 31st December 2020; 2. Consider the attached Equalities Impact Assessment and Risk Register in reaching its decision. 	

Appendices	
Appendix 1	Risk Register
Appendix 2	Equalities Impact Assessment

Introduction

1. This report sets out the rationale for an extension to the Interim Chief Executive's fixed term contract which is currently due to expire on 31 December 2017.

Background

2. The Council's Constitution states at 20.8 that '*when the council wants to appoint a Chief Executive or director, it will produce a job description and person specification and send them to anyone who asks. The post will be advertised in a way that will bring it to the attention of suitable applicants*'. The briefing provided by the Council to SOLACE for the initial search process for the Interim Chief Executive and the key objectives for that appointment was detailed as an appendix to the report to the Appointments Committee on 10 October 2017.
3. The terms of the current contract, which expires on the 31 December 2017, were agreed in May of this year. The reasons for employing an interim at that time rather than a substantive post holder were: the uncertainty surrounding Local Government Review; the potential detrimental impact of that uncertainty on attracting candidates of suitable calibre; the need to continue to influence and shape the debate with neighbouring District Councils around a collaborative working model; and, the time lag involved in making a substantive appointment.
4. Several recruitment agencies including SOLACE were invited to submit CVs from suitable applicants. Four candidates were put forward for consideration by SOLACE and the post was offered to Mr Mitchell. The contract was for an initial 7 month period ending in December 2017, with an option to extend beyond this point by mutual agreement.
5. The Appointments Committee met on 10 October to consider a paper that proposed an extension to the current fixed-term contract for a period ending 31 December 2020, taking into account a number of concerns and issues as set out below:
 - There is no indication from the Secretary of State's office as to when a decision will be confirmed on the County Council's application for Unitary Authority status. The uncertainty surrounding the Unitary question, as well as the absence of an announcement on the Chief Executive position were both cited by the Trade Unions as key factors for growing levels of staff uncertainty and lower levels of staff morale at a meeting of the Partnership Working Group on 27 September.
 - The recent confirmation that the Leader will stand down shortly also increases the need for stability and certainty in relation to the Chief Executive role during this transitional period.
 - Extending the current contract to December 2020 will also take us past the new constituency boundary elections in May 2020, which will enable the new Council member structure to become established and then consider the recruitment of a new Chief Executive.
 - The current post holder has played a significant and widely recognised role in developing partnership working with a number of key strategic partners on a regional and national basis, as well as positioning the City Council in the forefront of these initiatives. There are also a number of applications involving a number of key strategic partners for large-scale infrastructure and regeneration funding opportunities, and it could be potentially damaging to the Council's interests if the momentum created by the current role holder was lost.
6. The Appointments Committee approved the recommendation to extend the current fixed-term contract to 31 December 2020. It also confirmed, under its delegated

authority, that the salary for fixed term contract would be based on the current Chief Executive pay grade structure that was established in October 2015.

7. However, given the length of the proposed fixed-term contract extension the Appointments Committee was advised by officers that this matter should be considered as a recommendation to a full Council meeting at the earliest opportunity.
8. In order to comply with legislation, members of the City Executive Board were asked to confirm whether they had any objections to the Appointment Committee's recommendations. No objections were received.

Other implications

9. Members are asked to note that extending the current contract to 31 December 2020 will create an entitlement to redundancy compensation. Under current employment legislation and Council policy this will be limited to a maximum of 4 ½ weeks' pay at the expiry of the contract. No Local Government Pension Scheme related costs will be incurred by the Council at the expiry of the proposed contract.
10. Given the length of the contract extension and the fact that the post, while competitively selected, was advertised through recruitment agencies only, there remains the potential for a challenge to the current proposal. It is therefore important that the Council notes and makes it clear that this appointment is not to a permanent role, but is a continuation of the original interim appointment.

Financial implications

11. There is adequate provision for the employment of the post of Interim Chief Executive within the Council's budget.

Legal issues

12. The legal implications of the proposal are set out in the report.

Level of risk

13. A Risk Register is attached at Appendix 1.

Equalities impact

14. An Equalities Impact Assessment is attached at Appendix 2.

Report author	Paul Adams
Job title	HR and Payroll Manager
Service area or department	Business Improvement
Telephone	01865 529851
e-mail	padams@oxford.gov.uk

Background Papers: None

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