



## Chief Executive Recruitment

### Report by the Chief Executive

#### 1.0 Summary

- 1.1 The Chief Executive has indicated that he will be leaving his post on 31<sup>st</sup> July, 2013 and this report sets out the process for the selection of his successor.
- 1.2 The report sets out a timetable and a series of issues that need to be determined to allow a smooth selection process and transition.

#### 2.0 Background

- 2.1 The current Chief Executive has advised the two Leaders and human resources that he intends to leave his post on 31<sup>st</sup> July, 2013.
- 2.2 To recruit a successor there are a number of steps that need to be taken and matters that need to be agreed.
- 2.3 The post of Chief Executive is one that is a Member appointment and the legal requirement is that whilst a committee, sub-committee or officer can undertake the recruitment process the actual appointment has to be approved by Council prior to the post being formally offered to the successful candidate. This has an impact upon the time scale for the process. In addition there will need to be a period allowed for references to be taken up and an incoming Chief Executive to give notice to their current employer.
- 2.4 Set out in Appendix 1 is a timetable for the appointment process which the Committee is asked to agree.
- 2.5 The paragraph addresses various issues that need to be determined by the Committee at this stage.

#### 3.0 Proposals

- 3.1 Timetable  
To ensure, so far as reasonably practicable, that the Councils are in a position to have a new Chief Executive in post on 1<sup>st</sup> August, 2013, it is necessary to agree a timetable. The proposed timetable is set out in Appendix 1 and the Committee is advised to approve this timetable.

- 3.2 Internal or external advertisement.  
There is no legislative barrier to the Councils appointing the new Chief Executive exclusively from among their existing officers, as was done in the case of the current Chief Executive. However, if it is not proposed that the appointment be made exclusively from among existing officers, the Councils shall:
- a) draw up a statement specifying the duties of the officer and any qualifications or qualities to be sought in the person to be appointed.
  - b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
  - c) make arrangements for a copy of the statements in (a) to be sent to any person on request.
- 3.3 The Councils could, if they believed that there may be sufficient suitable candidates among the existing officers to provide a competitive pool, go through an internal only selection process first and if no suitable candidate was found then advertise more widely.
- 3.4 Therefore, the Councils need to determine whether or not to seek to fill this post from internal candidates only or to seek applications from further afield.
- 3.5 Consultants  
The role of Chief Executive is fundamental to the successful running of the Councils and the delivery of the strategic targets set out by elected members and therefore it is essential to provide the best possible selection process.
- 3.6 Whilst you have a number of officers who would be qualified to assist with the process some of them would be excluded due to their interest in the post. Also, it is appropriate to ensure that there is a degree of impartiality in the advice provided to Elected Members during the process.
- 3.7 Therefore the Committee is advised that it would appear to be appropriate to engage consultants to assist with the process and to instruct the Chief Executive to undertake a procurement exercise as soon as reasonably practicable to select appropriate consultants.
- 3.8 Head of Paid Service  
Each Local Authority is required to have a Head of Paid Service, who shall not be the Monitoring Officer or the Chief Financial Officer under section 151 Local Government Act, 1972. This role is usually given to the Chief Executive and the Committee is advised to continue that practice.
- 3.9 Remuneration  
It is necessary to determine the level of remuneration for the new post and as it is likely to exceed £100,000 per annum, the salary should be approved by the two full Councils prior to any advertisement being placed.
- 3.10 The remuneration package will include any additional payments such as car mileage allowances, payments to professional bodies, etc.

- 3.11 The Committee is therefore advised to determine on advice from the Chief Executive and Human Resources the appropriate remuneration or remuneration range and recommend it to the two Full Councils.
- 3.12 Electoral Registration Officer  
The office of Electoral Registration Officer is appointed by the Councils under the Representation of the People Act, 1983 and is not automatically an office held by the Chief Executive, but currently is and there is no recommendation to change this arrangement.
- 3.13 Returning Officer.  
The office of Returning Officer is appointed by the Councils under the Representation of the People Act, 1983 and is not automatically an office held by the Chief Executive, but currently is and there is no recommendation to change this arrangement.

## **4.0 Legal**

- 4.1 Section 112 Local Government Act, 1972 allows Councils to appoint staff as they think necessary on such terms and conditions as they determine to be appropriate.
- 4.2 Section 4 of the Local Government and Housing Act, 1989 requires the appointment of a Head of Paid Service
- 4.3 Local Authorities (Standing Orders) Regulations 1993 set out the rules for the appointment of the Chief Executive if the Councils choose to select from other than existing officers.
- 4.4 The Local Authorities (Standing Orders) (England) Regulations 2001 at Schedule 1 provides that where a Committee, Sub-Committee or Officer is discharging, on behalf of the Authority, the function of the appointment or dismissal of an officer designated as the Head of the Authority's Paid Service, the Authority must approve that appointment before an offer of appointment is made to him.'
- 4.5 Section 8 of the Representation of the People Act, 1983 ("The 1983 Act") provides that the council of every district and London borough shall appoint an officer of the council to be registration officer for any constituency or part of a constituency coterminous with or situated in the district or borough.
- 4.6 Section 35 of the 1983 Act provides that every district or borough council shall appoint an officer of the council to be the returning officer for the elections of councillors of the district or borough and an officer of the council to be the returning officer for elections of councillors of parishes within the district or borough

## **5.0 Financial implications**

- 5.1 The cost of engaging consultants or any associated advertising costs is not currently budgeted for. Last time, the consultants cost just over £5,000 and the advertisements cost £6,000. Whilst it is uncertain what the final cost is at this stage

ahead of any procurement exercise, the Committee will need to seek funding from the Councils to pay for this exercise. It is suggested that a provision of £15,000 is released from the reserves to facilitate this exercise which is to be split on a 50/50 basis across the two Councils. This reflects how the cost of the Chief Executive is currently allocated.

- 5.2 However, before any funding is released it is suggested that the Cabinet Member of Resources is consulted before the appointment of any consultant.

## **6.0 Recommendation**

- 6.1 That the Committee agree the timetable set out in Appendix 1 to this report.
- 6.2 That the Committee determine whether or not to seek to fill this post from internal candidates only or to seek applications from further afield.
- 6.3 That the Committee agrees to engage consultants to assist with the process and instructs the Chief Executive to undertake a procurement exercise as soon as reasonably practicable to select appropriate consultants.
- 6.4 That the Committee agrees that the new Chief Executive shall be the Head of Paid Service
- 6.5 That the Committee agrees that the new Chief Executive shall be the Electoral Registration Officer
- 6.6 That the Committee agrees that the new Chief Executive shall be the Returning Officer
- 6.7 That the Committee recommends to Adur District Council and Worthing Borough the remuneration package for the post including the salary or salary scale.
- 6.8 That the Committee recommends to Adur District Council and Worthing Borough Council to release £7,500 each from the two Capacity Issues Reserves.

## **Local Government Act 1972**

**Background Papers:** None

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## **Schedule of Other Matters**

### **1.0 Council Priority**

1.1 Matter considered no issues identified.

### **2.0 Specific Action Plans**

2.1 Matter considered no issues identified.

### **3.0 Sustainability Issues**

3.1 Matter considered no issues identified.

### **4.0 Equality Issues**

4.1 The Councils must ensure equal treatment of applicants and potential applicants.

### **5.0 Community Safety Issues (Section 17)**

5.1 Matter considered no issues identified.

### **6.0 Human Rights Issues**

6.1 Matter considered no issues identified.

### **7.0 Reputation**

7.1 The Councils reputations could be adversely affected if the wrong applicant were to be appointed, but equally they would be enhanced with the appropriate applicant.

### **8.0 Consultations**

8.1 Matter considered no issues identified.

### **9.0 Risk Assessment**

9.1 Matter considered no issues identified.

### **10.0 Health & Safety Issues**

10.1 Matter considered no issues identified.

### **11.0 Procurement Strategy**

11.1 Matter considered no issues identified.

### **12.0 Partnership Working**

12.1 The appointment of the Joint Chief Executive is a continuation of the partnership working between the two councils.

## Appointment of Chief Executive

### Timetable

Date	Event	Actions	Reasons
October 2012	Hold meeting of Joint Senior Staff Committee	To agree the following: <ul style="list-style-type: none"> <li>(a) Whether the appointment is to be an internal only or internal / external;</li> <li>(b) Whether or not consultants should be appointed;</li> <li>(c) Timetable;</li> <li>(d) Whether the Chief Executive is to be the Electoral Registration Officer;</li> <li>(e) Whether the Chief Executive is to be the Head of Paid Service;</li> <li>(f) Whether the Chief Executive is to be the Returning Officer for Elections.</li> </ul>	To agree the process for the selection and appointment of the new Chief Executive.
1 November - 31 December 2012	Appoint Consultants (if required)	The following actions are required: <ul style="list-style-type: none"> <li>(a) Agree specification;</li> <li>(b) Advertise / approach at least three Consultants;</li> <li>(c) Receive proposals;</li> <li>(d) Evaluate proposals;</li> <li>(e) Appoint.</li> </ul>	It is essential that if the Council requires consultancy assistance, it is selected in an open and fair manner against set criteria, so that all parties are aware of the task the consultants are required to do. The reason for the appointment being made by 31 December is to allow them to assist with the job description, advertisement etc.

<b>Date</b>	<b>Event</b>	<b>Actions</b>	<b>Reasons</b>
1 February 2013	Publish advert (internal or internal and external)	The following documents should be available by this time:  (a) Advert; (b) Job description; (c) Person specification; (d) Any other documents to be available to the applicants.	This is the latest date to issue the advertisement to provide sufficient time for the various stages.
1 March 2013	Closing date	Need to set a time on this date by which applications should be received.	Necessary to allow sufficient time for applicants to submit and for consideration of applications to complete the process.
4 March - 15 March 2013	Assessment of applications and selection of candidates for interview.	It will be necessary to assess all applications against pre-determined criteria and to notify the applicants who have successfully been selected for interview of the interview dates.	
18 March - 22 March 2013	Notify applicants of interviews/selection dates	It is necessary to contact all successful applicants and to advise them of any dates for attendance at the stages of the selection process.	
2 April - 12 April 2013	Selection meetings and interviews.	It will be necessary to arrange days for assessments and interviews.	
16 April and 18 April 2013	Decisions by Adur District Council and Worthing Borough Council to appoint the successful candidate.		The appointment has to be made by the Councils, and is not delegated.

Date	Event	Actions	Reasons
19 April - 30 April 2013	Successful candidate to be notified etc.	It will be necessary to:  (a) Notify candidate of the offer of appointment; (b) Obtain references; (c) Obtain medical clearance; (d) Confirm appointment.	It is likely that a Candidate for a post at this level will have to give three months' notice.
1 May 2013 - 31 July 2013	Notice period for candidate.	Successful candidate, who has been offered appointment to give notice to current employer.	
1 August 2-13	New Chief Executive to commence employment.		This ensures that the new Chief Executive takes over on the day following the termination of the employment of the current Chief Executive.