

GWYNEDD COUNCIL CABINET



Report to the Cabinet

Meeting Date:	26 January 2021
Cabinet Member:	Cllr. Dyfrig Siencyn
Contact Officer:	Eurig Williams, Human Resources Manager
Contact Number:	01286 679084
Item Title:	The Chief Executive's Retirement

1 DECISION SOUGHT

Agree on the requirement to recruit and appoint a Chief Executive on a permanent basis.

2 REASON WHY DECISION IS NEEDED

In order to ensure that the Council fulfils its statutory function in the face of the current post holder's retirement.

3 BACKGROUND AND PROPOSED NEXT STEPS

The Chief Executive has informed the Council of his intention to retire on the 31 March this year. The timetable to appoint a new Chief Executive, prior to the date of retirement, is a challenging one and this request for a decision to fill this crucial post is submitted in order to proceed promptly with arrangements to recruit and appoint an individual to undertake the work.

I wish to bring your attention to the options which need to be considered prior to making a decision;

1. *Currently, there is no statutory requirement to appoint a Chief Executive.* In accordance with Section 4 of the Local Government and Housing Act 1989, the Council must denote one of its officers as "Head of the Paid Service" but there is no necessity to appoint a Chief Executive to undertake that role. However, the Local Government and Elections Wales Act (2020), even though the timetable for action has not yet been set, introduces the future statutory requirement to appoint a Chief Executive as opposed to a Head of Paid Service.

2. *Another authority could be invited to provide the Service of a Chief Executive.* Section 113 of the Local Government Act 1972 allows one authority to release its officers for the use of another authority. This would allow the sharing of a Chief Executive with a neighbouring authority. I do not consider this to be a practical option in light of the challenges faced by this Council.

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3. *Advertise the post on a permanent basis* . The Local Authorities' Regulations (Standing Orders) (Wales) 2013 notes the requirement for all chief officer appointments on a salary of £100,000 or more per annum to be advertised externally, except when the appointment would be for a period of twelve months or less (i.e. temporary appointment). This stops the possibility of a secondment or internal advertisement for the post, except where there are very specific reasons why there is no need to fill the vacancy for more than twelve months.

In this context, the Regulations require the Council to take the following steps:

- (a) Produce a statement which details the post's responsibilities and the competencies deemed essential in order to fulfil those responsibilities
- (b) Arrange for the post to be advertised in such a way which will bring it to the attention of those competent to apply
- (c) Arrange to interview every competent applicant on the shortlist.

4. *Appoint for a fixed term*. The appointment does not have to be a permanent one; it is possible to offer a fixed term contract only. I am not keen for the Council to follow this route since I am of the opinion that the Council requires stability over the next few years and the offer of a fixed term contract would not be compatible in that respect.

Following consideration of these options and in anticipation of the Local Government and Elections (Wales) Act 2020's requirements, I am in no doubt that the Council needs to appoint a Chief Executive whilst recommending, in light of the current requirements on the Council and the mid-term challenges ahead, that the post should be advertised on a permanent basis.

For information purposes, I attach a list of responsibilities that should be undertaken by a Chief Executive, in accordance with the content of the Local Government and Elections (Wales) Act 2020. These requirements will be incorporated as part of the job description for appointing this Council's Chief Executive.

It will be possible to put the recruitment arrangements in place soon but it is not anticipated that it will be possible to appoint a successor to the post until May at the earliest. In light of this, I have held talks with the current Chief Executive and he has confirmed his willingness to retire on a flexible basis on the 31 March and to undertake the role on a part-time basis thereafter until such time as a successor has been appointed and at least until the Senedd election on the 6 May, 2021.

The responsibility to short-list and interview applicants rests with the Chief Officers' Appointments Committee with the final appointment to be made by full Council.

The Chief Officers' Appointments Committee will meet on the 11 February in order to review the 2021/22 pay policy and, dependent on Cabinet's approval, my intention is to ask the Committee to agree on the arrangements and a formal timetable for recruiting and appointing a Chief Executive at that meeting.

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OPINION OF STATUTORY OFFICERS

Monitoring Officer:

I have had an opportunity to have input into the report and agree that the Council should move forward with the proposed appointment process without delay

Chief Finance Officer:

I agree that the Council should move without hesitation to recruit and appoint a permanent Chief Executive.

APPENDIX

Section 54 Local Government and Elections (Wales) 2020 Requirements

“The Chief Executive of a primary Council must —

- (a) continuously review all of those issues noted in sub-section (3) and
- (b) when the Chief Executive deems it appropriate to do so, to provide a report to the Council noting the Chief Executive’s recommendations in relation to any one or more of those matters.

(Sub-section3)

- (a) the way that the Council co-ordinates how its various functions are exercised;
- (b) the Council’s arrangements in relation to;
 - (i) financial planning,
 - (ii) asset management
 - (iii) risk management

- (c) number and grades of staff required by the Council in order to fulfil its functions;
- (d) Council staff arrangements;
- (e) Council staff appointments;
- (f) arrangements for managing Council staff (to include arrangements for training and development)”.