

BOROUGH OF KETTERING

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Report Originator	Martin Hammond Monitoring Officer	<i>Fwd Plan Ref No:</i>	
Wards Affected	N/A	24 th July 2019	
Title	MANAGING DIRECTOR - CONTRACT OF EMPLOYMENT		

1. PURPOSE OF REPORT

- 1.1 To advise Council of the need to decide whether to extend the current fixed term contract for the post of Managing Director, and to determine the appropriate mechanism and duration (if appropriate).

2. INFORMATION

- 2.1. At its meeting on 14th September 2016, Council approved the recruitment to the post of Managing Director, as the Council's Head of Paid Service. It was approved that the post would be on a fixed term contract to the end of October 2019. The post was recruited to, and Mr Graham Soulsby was appointed as the Council's Managing Director – effective from January 2017.
- 2.2 Members of the council should note that although the post of Managing Director was initially created until Oct 2019, the post holder was already employed by the Council and protected their employment rights as part of the contractual arrangements at that time. Mr Soulsby's previous role of Deputy Chief Executive was deleted from the establishment as part of the wider management team review that took place at that time.
- 2.3 At the time of appointment, it was envisaged that there would be elections to the Borough Council in May 2019, and the new Council should be given the opportunity to review the post and consider whether it wished to change aspects of the role or how it was filled. Members also agreed to give the Council the flexibility to extend the contract should both employer and employee agree that this was appropriate.
- 2.4 There has been much uncertainty over the local government landscape in Northamptonshire and a recent announcement by the Secretary of State has confirmed that there will be two new Unitary Councils created in Northamptonshire from April 2021. This of course means that the current post and role will cease to exist at about the same time.
- 2.5 The Council needs to give consideration to what it wishes to do in relation to the role of Managing Director. The two main options available are;
- Seek to extend the current arrangements (with the current post holder) for a period of up to April 2021.

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b. Decide not to extend the current arrangements and request that a further report is brought to full council outlining the full options that are available to it.

2.6 Although the current contractual arrangements run until October, this report is being brought before members this evening because if the council's preferred option is 'b' – notice would need to be served on the current post holder (in line with their contract of employment). Should this be the case, members should note that unless the council could offer the post holder an 'alternative suitable employment position', the council would be liable to a severance payment in accordance with the councils existing employment policies.

2.7 Should the council's preferred course of action be 'a' – it is suggested that the most appropriate mechanism for this would be through an Appointments Committee. This would provide a proper route for a dialogue to take place between the authority and the post holder and would be in accordance with the Council's Constitution, which states that an Appointments Committee can 'determine the terms and conditions of service of the Head of Paid Service and other employment related issues as they apply to that post'. This would also be consistent with the practice that has been used in the past in relation to similar issues.

3. HUMAN RESOURCE IMPLICATIONS

3.1. As outlined in this report.

4. RECOMMENDATIONS

4.1 The council decides whether to endorse 'option a' or 'option b' (as outlined in section 2.5 of the report).

4.2 If the Council endorses 'option a', the matter is progressed (and concluded) through an Appointments Committee.

Background Papers:

Report of the Flexible Resources WP 22/4/2015
Minutes of Council 14/9/2016

Previous Reports/Minutes:

Report to Council 14/9/2016

Date: 1st July 2019
Contact Officers: Martin Hammond