

The CEO stated:

"Councillors, I would like to declare a material conflict of interest in this item as it relates to my potential reappointment as Chief Executive Officer and this decision will materially affect my circumstances."

Having disclosed his conflict of interest, the CEO left the meeting at 9:21pm and did not return for the remainder of the meeting.

17.3 Chief Executive Officer Employment Matters

File Number: IN23/83
Responsible Director: Director Experience and Capability
Attachments: 1 CEO Employment and Remuneration Committee Meeting Minutes March 2023 (Confidential)

CONFIDENTIAL MATTERS

This report contains confidential information as defined in the Local Government Act 2020. The relevant ground applying is S3(1)f of the Act concerning personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

In its confidential meeting, Council resolved to make this report public excluding confidential attachments.

EXECUTIVE SUMMARY

The Chief Executive Officer (CEO), Andrew Day was employed, following a competitive recruitment process in 2018, on a Contract of Employment which is due to expire on 16 September 2023.

The Chief Executive Officer Employment and Remuneration Committee (the Committee), comprising of all nine Councillors, have considered the reappointment of Andrew Day to the position of CEO. In making a recommendation the Committee has considered the requirements of the Local Government Act 2020 and the CEO Employment and Remuneration Policy.

The Committee has recommended that the CEO be reappointed on a Contract of Employment, for a further five years at the completion of the current term. The Committee has made recommendations on the provisions to be included in the Contract of Employment.

COUNCIL RESOLUTION

MOVED: CR MICHELLE KLEINERT
SECONDED: CR ANNA CHEN

That Council:

- A. Reappoint Andrew Day, to the role of Chief Executive Officer (CEO) for a further period of five years at the conclusion of his current Contract of Employment.**

- B. Authorise the Mayor to finalise the Contract of Employment with Andrew Day prior to the expiry of his current Contract of Employment, having regard to the provisions recommended by the CEO Employment and Remuneration Committee.**
- C. Make this report (excluding any confidential attachments) and resolution public upon execution of the Contract of Employment.**

SUSPENSION OF STANDING ORDERS

MOVED: CR STEPHEN MAYNE
SECONDED:

In accordance with sub rule 38.1 of the Governance Rules, Council resolves that standing orders be suspended to enable full discussion on this item without the constraints of formal meeting procedure.

The motion lapsed for want of a seconder.

THE SUBSTANTIVE MOTION WAS CARRIED UNANIMOUSLY

2. BACKGROUND

- 2.1 Andrew Day was appointed to the position of Chief Executive Officer (CEO), following a competitive recruitment process in 2018. Andrew was engaged on a five-year contract, expiring on 16 September 2023.
- 2.2 The Chief Executive Officer Employment and Remuneration Committee (the Committee), comprising all nine Councillors, have considered the reappointment of Andrew Day to the position of CEO. In considering this option, the Committee have taken into account the requirements of the Local Government Act 2020 and the CEO Employment and Remuneration Policy.

3. DISCUSSION / ISSUE

- 3.1 The Committee has proposed to reappoint Andrew Day, as CEO for a further period of five years, following the conclusion of his existing Contract of Employment. In making this recommendation, the Committee noted that annual review processes had been undertaken over the term of Andrew Day's existing contract and his performance in the role had met expectations.
- 3.2 The Committee reviewed the provisions of the Contract of Employment and have made recommendations on the provisions to be included, documented in the confidential attachment.
- 3.3 Independent professional advice was provided by Maddocks on the provisions of the Contract of Employment.

4. IMPLEMENTATION

4.1 Finance / Resource Implications

4.1.1 The CEO position is fully funded in the 2022/23 Budget and Long Term Financial Plan.

4.2 Communication and Engagement

4.2.1 The reappointment of the Andrew Day, as CEO, will be announced to the community and organisation following the execution of the Employment Contract.

4.3 Timelines

4.3.1 Should the Council resolve to reappoint Andrew Day as CEO, the Mayor will finalise the Contract of Employment with Andrew, considering the provisions recommended by the Committee. The new Contract of Employment is to be finalised prior to the expiry of the existing contract, being the 16 September 2023.

5. DECLARATIONS OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any general or material conflict of interest in this matter.