

Report to: Council



Date of Meeting 8<sup>th</sup> May 2024

Document classification: Part A Public Document

Exemption applied: None

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## Appointment of new Chief Executive

### Report summary:

For Council to consider the recommendation of the Interviewing Sub Committee to appoint a new Chief Executive following the recent recruitment process, to approve a new ELT structure and to confirm the Registration and Electoral Registration Officer appointments.

### Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

### Recommendation:

1. That Council appoints Tracy Hendren as Chief Executive and Head of Paid Service of East Devon District Council.
2. That Council appoints Melanie Wellman as the Returning Officer and Electoral Registration Officer for East Devon.
3. That Council agrees the new structure proposals for appointing a Director of Housing and Health and of Director of Place
4. That Council approves a supplementary budget of up to £30K for the associated recruitment costs.

### Reason for recommendation:

The Local Government and Housing Act 1989 requires the Council to have a Head of Paid Service. In line with the Constitution, Council are required to make the final decision regarding the appointment of a new Head of Paid Service, following recommendation from the Interviewing Sub Committee.

Under the Representation of the People Act 1983 the Council must have in place a dedicated Returning Officer and Electoral Registration Officer.

The new Chief Executive is an internal appointment, and it is therefore necessary to backfill their substantive role as soon as possible, with the proposal being to split the current Housing Director role by creating a Director of Housing and Health and a Director of Place.

Officer: Jo Fellows, Corporate Lead – Human Resources

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Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment

- Council and Corporate Co-ordination
- Communications and Democracy
- Economy
- Finance and Assets
- Strategic Planning
- Sustainable Homes and Communities
- Culture, Leisure, Sport and Tourism

### **Equalities impact** Medium Impact

Failure to follow relevant employment law and HR policy during recruitment processes could leave the Council open to discrimination claims. The actions taken to date have been taken in accordance with legislation and Council policy.

### **Climate change** Low Impact

**Risk:** Low Risk; As outlined above and in the report, the recruitment process has been robust and undertaken in accordance with legislation and Council policy.

**Links to background information** Click here to enter links to background information; appendices online; and previous reports. These must link to an electronic document. Do not include any confidential or exempt information.

### **Link to [Council Plan](#)**

Priorities (check which apply)

- Better homes and communities for all
- A greener East Devon
- A resilient economy

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### **Report in full**

1. The vacant Chief Executive post has recently been advertised and a robust recruitment process, as summarised below, has been undertaken. Following this process, a suitable candidate has been selected and Council approval of this appointment is now sought.
2. The Interviewing Sub Committee (a sub committee of the Personnel Committee) are responsible for making recommendations on the appointments of Chief Officers to the Council (including the Chief Executive/Head of Paid Service) when vacancies arise in these posts and to take such other action as it deems necessary leading up to the making of those appointments. The Sub Committee consists of seven councillors drawn from the membership of the Personnel Committee which shall include at least one member of the Cabinet, subject to the rules relating to political balance/proportionality (Personnel Committee Terms of Reference, Part 3, Section 2, paragraph 2.10.6).
3. As agreed with Council, an interim arrangement has been in place since October 2023 whereby the three Directors have acted as joint Interim Chief Executive.
4. Interim arrangements for the Returning and Electoral Registration Officer roles were agreed by Council in October 2023 and these also now require review and confirmation.
5. As the recommended Chief Executive is an internal appointment, it is necessary to make backfill arrangements for their substantive post, with the proposed means of doing this set out below.

## **6. Recruitment Process**

- 6.1. The Chief Executive post was advertised in the Municipal Journal on 7<sup>th</sup> and 14<sup>th</sup> March 2024. Alongside this, a dedicated microsite for the role was developed, which enabled potential candidates to find out more information about the Council and the role.
- 6.2. The advert closed on 5<sup>th</sup> April 2024 and 20 applications were received. The Sub Committee then shortlisted against the requirements of the role, to a shortlist of five candidates, with one subsequently withdrawing for personal reasons.
- 6.3. On 24<sup>th</sup> and 25<sup>th</sup> April 2024 candidates were invited to an assessment centre. The assessment process included:
  - Psychometric assessments.
  - Group discussion exercise with Assistant Directors.
  - Group discussion exercise with a small group of employees (who had previously supported the Peer Challenge and Investors in People processes).
  - Technical interview with a technical assessor who has significant experience of the chief executive role in councils.
- 6.4. The Interviewing Sub Committee reviewed feedback from the above selection methods and used this to inform the final formal presentation and interview and their appointment recommendation.
- 6.5. An executive search agency was commissioned to support the recruitment process. This is standard practice for roles at this level as it provides access to a wide range of potential candidates and specialist advice and support, which is particularly helpful given the continuing challenging employment market. This approach had also proved beneficial during the 2023 Director recruitments. The agency developed a recruitment campaign, liaised with potential candidates, and advised and supported the selection process. During the period up to the assessment centre, the agency also undertook several due diligence checks. The agency chosen has a strong track record of working within the local government sector and therefore had the contacts and technical experience to support recruitment to the Chief Executive role.

## **7. Appointment of new Chief Executive**

- 7.1. The appointment of Tracy Hendren to the role of Chief Executive is recommended following the recruitment process.
- 7.2. If agreed, Tracy will commence the role with effect from 1<sup>st</sup> June 2024.
- 7.3. Tracy joined the Council on 31<sup>st</sup> July 2023 as Director of Housing, Health and Environment. Tracy's career background includes working in central and local government, initially in housing and then more recently in broader roles. Tracy brings a wealth of experience, alongside her recent knowledge of the Council and her ability to move at pace to secure performance improvement.
- 7.4. The postholder will be employed on Joint Negotiating Committee (JNC) Chief Executive terms and conditions at the advertised salary of £135,599 per annum (pending national JNC pay award for 2024/25).

## **8. Appointment of Returning Officer and Electoral Registration Officer**

- 8.1. The Returning Officer (RO) is the person who has the overall responsibility for the conduct of elections in the District. The Representation of the People Act 1983 requires the Council to appoint an officer of the Council to be the RO in local elections. It is the RO's duty to organise and conduct elections. The RO may appoint one or more persons to discharge all or any of his/her functions.
- 8.2. The Electoral Registration Officer (ERO) is the person with the statutory responsibility for the creation and maintenance of the register of electors and the absent voters lists. This person takes responsibility for publishing a revised electoral register and issuing monthly alteration notices. The ERO is also the Acting Returning Officer for UK Parliamentary Elections.

- 8.3. The previous permanent Chief Executive undertook both roles and as an interim measure, the Director of Governance and Licensing has been undertaking the roles. It is therefore necessary to agree new permanent arrangements.
- 8.4. It is proposed that Melanie Wellman undertakes the Returning Officer and Electoral Registration Officer roles with effect from 1<sup>st</sup> June 2024. The usual allowances will apply to this appointment.

## 9. Backfill Arrangements

- 9.1. As an internal appointment to the Chief Executive role has been made, it is now necessary to put in place backfill arrangements for their substantive role of Director of Housing, Health and Environment. Concerns have been raised about the size and scope of the current Director role and it is also recognised that there is a need for significant focus on the Housing Service. Alongside this, the introduction of a more senior role focused on planning and other place related matters has been identified.
- 9.2. It is therefore proposed that two Director roles are appointed to:
- Director of Housing and Health – encompassing Housing Statutory Services, Housing Regulated Services and Environmental Health
  - Director of Place – encompassing Planning and Development Management, Place, Assets and Commercialism, Growth, Development and Prosperity, StreetScene and Countryside and Leisure
- 9.3. It is proposed that existing Assistant Directors within these areas be given the opportunity to apply to act up into these positions by way of an honorarium pending the permanent recruitment to these posts. The permanent recruitment process would need to be conducted in accordance with the Officer Employment Procedure rules which requires Director appointments to be made by Full Council following a recommendation from the Interviewing Sub-Committee. In order to minimise the delay in recruiting into these two Director roles the recruitment process, which would follow the established practice successfully used to recruit two Directors and the Chief Executive post over the past year, would commence as quickly as possible. Alongside this, it is proposed that some Senior Leadership Team (SLT) line management arrangements change on an interim basis.
- 9.4. The proposed ELT structure is at Appendix 1 and would take effect from 1<sup>st</sup> June 2024.
- 9.5. The new permanent Directors, once appointed, would then work alongside the new Chief Executive and existing Directors to develop permanent structural proposals, with the aim of commencing consultation on these changes later this year. As part of the restructuring proposals Directors would be required to identify opportunities for savings. The acting up arrangements would be for a short period and need to be implemented quickly to enable the new Chief Executive to take on their role. Council is asked to approve the proposed ELT structure.
- 9.6. Further reports on the recruitment processes, as well as any restructuring proposals will be provided to the Personnel Committee.

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## Financial implications:

Council have approved a £30k budget for a CEO recruitment budget. Having received further details from the recruitment agency the costs are likely to be in the order of £35k, the additional costs can be recovered from savings made from the CEO salary budget currently being made.

An additional Director post would incur additional costs but would be offset against any internal appointments made. If external interim resource is required, this would be at an additional cost. However, as stated in the report the CEO and Directors would need to then develop permanent restructure proposals that are mindful of cost and identify where potential savings can be made.

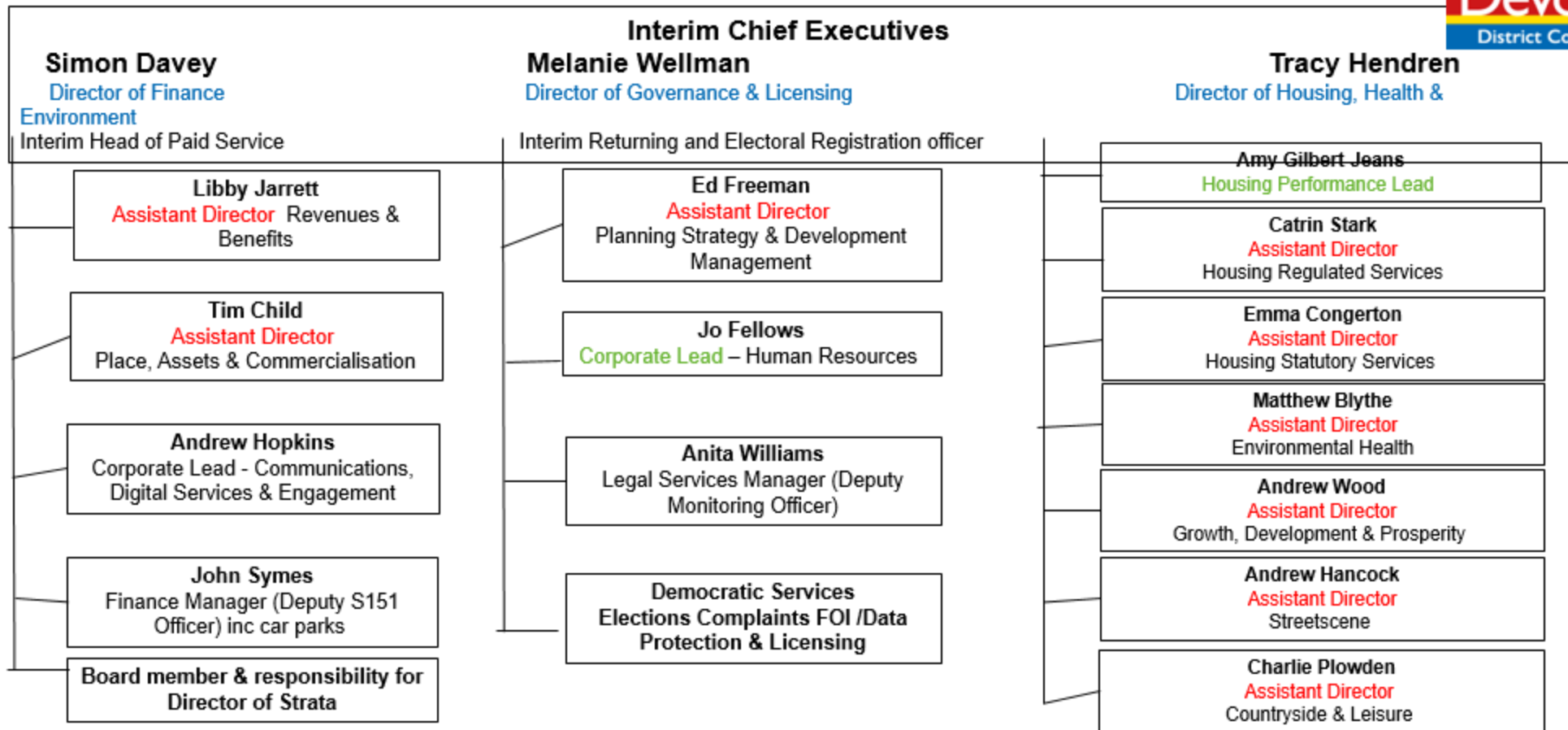
A supplementary budget of £30k is being requested to be met from the General Fund and Housing Revenue account proportionately for recruitment costs.

Legal implications:

As is outlined in the report, the procedure for the recruitment of a Chief Executive and Directors is set out in the Officer Procedure Rules. This requires appointment by Full Council following a recommendation by the Interviewing Sub-Committee. Full Council can only appoint where no well-founded objection has been made by a Member of the Cabinet. Council makes the final decision on whether a complaint is well-founded.

## Appendix 1 – current and proposed interim structure

# Current team structure



# Proposed ELT structure

