

Bath & North East Somerset Council

DECISION MAKER:	Cllr Haeberling, Leader of the Council	
DECISION DATE:	On or after 31 st July 2010	PAPER NUMBER 4
TITLE:	Recruitment of independent adviser	EXECUTIVE FORWARD PLAN REFERENCE: E 2159
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report: None		

1 THE ISSUE

1.1 To recruit an external adviser to assist consideration of options for Council structure for the future.

2 RECOMMENDATION

The Cabinet member is asked to agree that:

2.1 The requirement under Standing Orders for there to be two written quotations be waived in accordance with Section 8.6d of the Orders for the reason set out in paragraph 5.3 of this report; and

2.2 Mike Robinson be appointed.

3 FINANCIAL IMPLICATIONS

3.1 The costs of the commission will be funded from the Council's reserves; the overall cost is estimated as being of the order of £15k.

4 CORPORATE PRIORITIES

- *Building communities where people feel safe and secure*
- *Promoting the independence of older people*
- *Improving life chances of disadvantaged teenagers and young people*
- *Improving school buildings*
- *Sustainable growth*
- *Improving the availability of Affordable Housing*
- *Addressing the causes and effects of Climate Change*
- *Improving transport and the public realm*

5 THE REPORT

5.1 Council at its meeting on the 13th May 2010 was advised of the potential for the Chief Executive to retire as of right in the autumn of 2011 and noted the need for the Council to consider what arrangements would be appropriate for the future discharge of the relevant professional, managerial and statutory role performed by the post of Chief Executive if he chose to exercise this option.

5.2 It would not be appropriate for Council officers to advise on these issues due to potential conflicts of interest. In addition, the Chief executive's view is that it would not be good practice for him to advise on arrangements that may be in place if he retires.

5.3 It will be possible to seek professional guidance from one of the larger management consultancy firms that specialises in organisational arrangements but it is considered that such advice would not be sufficiently knowledgeable about local circumstances and background.

5.4 It is concluded that the Council's interests would best be served by an independent adviser with considerable expertise of the local area, the local arrangements and the relevant national agenda and requirements and accordingly such an individual has been sought through the normal high level consultancy channels such as the Society of Local Authority Chief Executives.

Research has resulted in there being only one candidate who meets the specific requirements who is available in the relevant timeframe and he has been approached, through SOLACE, and said that if offered the appointment he would be prepared to accept it. It is likely that his input would be required over an 18 month period. His terms and conditions of engagement are considered to be within the market rate for such high level work.

5.5 Contract standing orders would normally require, for the likely value of the commission (between £5 and £25k) for there to be 2 written quotations. It is considered, for the reasons outlined above, that no useful purpose is served by this and accordingly it is proposed that section 8.6d of the Council's contract standing orders (that only one contractor is able to carry out the work or service due to market conditions dictating that only one contractor is available) is

applicable in the circumstances and it is recommended that the Cabinet Member agree this exemption.

- 5.6 The proposed terms of engagement and detailed specification of the service will be drawn up by the Council's Monitoring Officer, and it is recommended that he be authorised to undertake all necessary steps to secure the services of Mr Robinson, the selected adviser, and manage the engagement.

6 RISK MANAGEMENT

- 6.1 The report author and Cabinet member have fully reviewed the risk assessment related to the issue and recommendations, in compliance with the Council's decision making risk management guidance.
- 6.2 In particular, it is considered that the current and future circumstances make a review of the Council's structural arrangements and possible other options highly desirable and to not take the opportunity of reviewing matters would place the Council's intended future way of operation at risk.

7 EQUALITIES

- 7.1 It is not considered that any equality issues arise in respect of the engagement of an adviser. Such engagement is undertaken solely on the basis of proven experience in the relevant areas of which knowledge is required.

8 RATIONALE

- 8.1 For the reasons set out in section 5 above, the option of seeking some form of written quotations was considered but discounted as it was not considered that any suitable alternative candidates would have been able to submit written quotations.

9 OTHER OPTIONS CONSIDERED

- 9.1 Other options considered included the engagement of a larger firm of management consultants or alternatively not engaging anyone. Both options were rejected for the reasons outlined above.

10 CONSULTATION

- 10.1 Consultation on the principle has taken place with the S151 Officer and Group Leaders.

11 ISSUES TO CONSIDER IN REACHING THE DECISION

- 11.1 The principle issue in reaching the decision is whether the 2 options rejected have been rightly rejected.

12 ADVICE SOUGHT

- 12.1 The Section 151 Officer (Divisional Director - Finance) has had the opportunity to input to this report. The Monitoring Officer is the report author.

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Background papers	<i>Report to Council-May 2010</i>
Please contact the report author if you need to access this report in an alternative format	