



NOTICE OF MEETING

Dear Councillors

I respectfully advise that the ORDINARY COUNCIL MEETING will be held in Council Chambers, York Town Hall, York on Tuesday, 22 June 2021, commencing at 5.00pm.

LATE AGENDA ATTACHED

Chris Linnell

CHRIS LINNELL
CHIEF EXECUTIVE OFFICER
Date: 21 June 2021

☛ PLEASE READ THE FOLLOWING IMPORTANT DISCLAIMER BEFORE PROCEEDING ☛

Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material.

Any statement, comment or decision made at a Council meeting regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.

Any person or entity who has an application before the Shire of York must obtain, and should only rely on, written notice of the Shire of York's decision and any conditions attaching to the decision and cannot treat as an approval anything said or done at a Council meeting.

Any advice provided by an employee of the Shire of York on the operation of a written law, or the performance of a function by the Shire of York, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the Shire of York. Any advice on a matter of law, or anything sought to be relied upon as a representation by the Shire of York should be sought in writing and should make clear the purpose of the request. Any plans or documents in Agendas and Minutes may be subject to copyright.

MISSION STATEMENT
"Building on our history to create our future"

Order Of Business

- 12 **Business of an Urgent Nature Introduced by Decision of the Meeting**..... 3
 - SY070-06/21 Appointment of a Senior Officer - Executive Manager Infrastructure & Development Services 3

12 BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

SY070-06/21 APPOINTMENT OF A SENIOR OFFICER - EXECUTIVE MANAGER INFRASTRUCTURE & DEVELOPMENT SERVICES

File Number:	PE.REC.138
Author:	Chris Linnell, Chief Executive Officer
Authoriser:	Chris Linnell, Chief Executive Officer
Previously before Council:	Not Applicable
Appendices:	1. Recruitment Report - Confidential

NATURE OF COUNCIL'S ROLE IN THE MATTER

Executive

PURPOSE OF REPORT

This report presents Council with a report on the recruitment process for the role of Executive Manager Infrastructure & Development Services (EMIDS) for consideration.

BACKGROUND

Following the departure of Mr Darren Wallace from the position of EMIDS the Chief Executive Officer began a recruitment process to fill the vacancy.

As the result of a quotation process in accordance with Policy F2 Procurement, the Chief Executive Officer appointed Lydia Highfield Consultancy (LHC) to facilitate the recruitment process for the role of EMIDS.

COMMENTS AND DETAILS

Presented in Confidential Appendix 1 is the confidential recruitment report prepared by LHC. The process for recruitment has involved the following steps:

- Advertising of the role in print and online forums.
- LHC preparing a shortlist of applicants for interview which was provided to the Chief Executive Officer.
- The Chief Executive Officer, Executive Manager Corporate & Community Services and Lydia Highfield interviewed the shortlisted applicants.
- Referee and qualifications checks were undertaken by LHC.
- Recommendation Report provided to the Chief Executive Officer.

Based upon the process outlined above the Chief Executive Officer is providing a recommendation to Council on the appointment of the preferred candidate in accordance with Section 5.37 of the *Local Government Act 1995*.

Following acceptance of this report the Chief Executive Officer will negotiate the terms of the contract with the preferred candidate which will be aligned to the conditions advertised. A contract term of three-five years will be offered.

OPTIONS

Council has the following options:

Option 1: Council could accept the recommendation from the Chief Executive Officer.

Option 2: Council could reject the recommendation from the Chief Executive Officer. However, it must provide reasons for doing so.

IMPLICATIONS TO CONSIDER

Consultative

Nil.

Strategic

Goal 5: Strong Leadership and Governance

To have effective and responsive leadership and governance, where a sense of collective purpose and shared direction combine to work together.

Policy Related

F2 Procurement

G2 Organisational Structure and Designation of Senior Employees

Financial

The salary package negotiated with the preferred applicant by the Chief Executive Officer will be within budget allocations and aligns with the package advertised as part of the recruitment process. Reimbursement of relocation expenses will also be offered with clauses relating to repayment of these costs in the event of departure included in the contract of employment.

The accepted quotation for the recruitment process was approximately \$5,000 for recruitment services plus \$6,050 for advertising. These costs have been allocated to GL 42169 and are within budget allocations.

Legal and Statutory

“5.37. Senior employees

- (1) *A local government may designate employees or persons belonging to a class of employee to be senior employees.*
- (2) *The CEO is to inform the council of each proposal to employ or dismiss a senior employee, other than a senior employee referred to in section 5.39(1a), and the council may accept or reject the CEO's recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.*
- (3) *Unless subsection (4A) applies, if the position of a senior employee of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.*
- (4A) *Subsection (3) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.*
- (4) *For the avoidance of doubt, subsection (3) does not impose a requirement to advertise a position where a contract referred to in section 5.39 is renewed.”*

Risk Related

The risks associated with recruitment relate to the ability to recruit appropriately skilled, experienced and qualified staff. The decision to engage a recognised and respected recruitment consultant was designed to mitigate this risk.

Workforce

This position is a Senior Officer of the Shire of York.

VOTING REQUIREMENTS**Absolute Majority: No****RECOMMENDATION**

That, with regards to the Appointment of a Senior Officer - Executive Manager Infrastructure & Development Services, in accordance with Section 5.37(2) of the *Local Government Act 1995*, Council:

- 1. Accepts the recommendation from the Chief Executive Officer contained in the Recruitment Report as presented in Confidential Appendix 1 regarding the employment of the Executive Manager Infrastructure & Development Services as a Designated Senior Officer.**
- 2. Notes that the Chief Executive Officer will negotiate the terms of the contract with the preferred candidate which is aligned to the conditions advertised. A contract term of three-five years will be offered.**