

Report to Council



DATE: 27 June 2024
TO: Councillors
FROM: Her Worship the Mayor

APPOINTMENT OF ACTING CHIEF EXECUTIVE

1. Summary

- 1.1 The purpose of this report is for Council to appoint an Acting Chief Executive.
- 1.2 This issue arises from the previous incumbent Chief Executive, Simon Bastion, having resigned from his position, on 17 June 2024, effective immediately.
- 1.3 Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by the Council in June 2021, which are set out in the Long Term Plan 2021 - 31.
- 1.4 This report concludes by recommending that Council receive the report and confirm the appointment of Scott Baxendale as Acting Chief Executive as a matter of urgency.

2. Background

- 2.1. On 17 June 2024, Chief Executive Simon Bastion, resigned from his position, effectively immediately.
- 2.2. In accordance with the Local Government Act 2002 Section 42(1) Council must appoint a Chief Executive.
- 2.3 If the Chief Executive is absent for a period of time, there is a requirement to appoint an “Acting Chief Executive” covering this role for the period of absence.
- 2.4 The holder of the Acting role has all the powers and delegations normally held by the Chief Executive and is responsible to his or her local authority for –
 - (a) Implementing the decisions of the local authority; and
 - (b) Providing advice to members of the local authority and to its community boards, if any; and
 - (c) Ensuring that all responsibilities, duties and powers delegated to him or her or to any person employed by the local authority, or imposed or conferred by an Act, regulation, or bylaw, are properly performed or exercised; and
 - (d) Ensuring the effective and efficient management of the activities of the local authority; and
 - (da) facilitating and fostering representative and substantial elector participation in elections and polls held under the Local Electoral Act 2001; and
 - (e) Maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority; and
 - (f) Providing leadership for the staff of the local authority; and

- (g) Employing, on behalf of the local authority, the staff of the local authority (in accordance with any remuneration and employment policy); and
- (h) Negotiating the terms of employment of the staff of the local authority (in accordance with any remuneration and employment policy).

3. Current Situation

3.1 The current situation is that as the previous incumbent resigned on 17 June 2024 without prior notice, the appointment of an Acting Chief Executive must be actioned as a matter of urgency.

4. Options

4.1 Option 1: To receive the report and appoint an Acting Chief Executive.

5. Risk Analysis

5.1. Risk has been considered and the following risks have been identified:

- Reputational Risk – Council’s reputation is at risk without a Chief Executive in place.
- Legal Risk – Council is required under the Government Act 2002 to have a Chief Executive.
- Compliance Risk – Council must have a position in that role.
- Strategic Risk – The position must have the required skills and knowledge to guide the organisation towards its strategic direction.
- Financial Stewardship
- Potential staff disruption and dissatisfaction due to the proposed change in Chief Executive.

6. Health and Safety

6.1. Health and Safety has been considered and the following items have been identified:

- 6.1.1. Critical issues not being identified/addressed in a timely manner increasing risk exposure to Council Staff and Contractors.
- 6.1.2. The absence of a Chief Executive in the role can be unsettling for staff and it can have a negative impact on staff wellbeing and stress levels.

7. Significance and Engagement

7.1. The level of significance has been assessed as being high as in accordance with the Local Government Act 2002 Section 42(1) Council must appoint a Chief Executive.

7.1.1. No public consultation is considered necessary.

8. Assessment of Options (including Financial Considerations)

8.1. Option 1 – That Council confirm the appointment of Scott Baxendale as Acting Chief Executive.

9. Preferred Option(s) and Reasons

9.1. Option 1 is the preferred option.

10. Recommendation(s)

10.1. That Council receive this report.

10.2. That Council confirm the appointment of Scott Baxendale as Acting Chief Executive for Westland District Council, effective immediately.

Helen Lash
Mayor