

Decision released from confidential session			
Recommendation from (agenda report)	Date of meeting	Recommendation to (decision-making meeting)	Date of meeting
Council	23Feb2023		
Report Title and number			
Appointment of Nelson City Council Chief Executive (R27511)			
Documents released			
Decision and Report			
Decision			
Resolved CL/2023/021			
<i>That the Council</i>			
<ol style="list-style-type: none"> 1. <i><u>Receives</u> the report Appointment of Nelson City Council Chief Executive (R27511); and</i> 2. <i><u>Confirms</u> the Chief Executive Employment Committee's preferred candidate for the position of Chief Executive; and</i> 3. <i><u>Appoints</u> Nigel Philpott to the position of Nelson City Council Chief Executive on the terms and conditions of employment advised to the meeting by His Worship the Mayor Hon Dr Smith; and</i> 4. <i><u>Authorises</u> His Worship the Mayor Hon Dr Smith to execute, on behalf of Council, the documents necessary to give effect to these resolutions, and when matters are finalised to make the appropriate announcements to staff and the public; and</i> 5. <i><u>Agrees</u> the Report and decision be made publicly available following completion of the employment process.</i> 			
<u>Carried</u>			

CONFIDENTIAL

Item 2: Appointment of Nelson City Council Chief Executive



Council

23 February 2023

REPORT R27511

Appointment of Nelson City Council Chief Executive

1. Purpose of Report

- 1.1 To appoint the Nelson City Council Chief Executive.

2. Recommendation

That the Council

1. ***Receives the report Appointment of Nelson City Council Chief Executive (R27511); and***
2. ***Confirms the Chief Executive Employment Committee's preferred candidate for the position of Chief Executive; and***
3. ***Appoints xxx xxx to the position of Nelson City Council Chief Executive on the terms and conditions of employment advised to the meeting by His Worship the Mayor; and***
4. ***Authorises the Mayor to execute, on behalf of Council, the documents necessary to give effect to these resolutions, and when matters are finalised to make the appropriate announcements to staff and the public; and***
5. ***Agrees the Report and decision be made publicly available following completion of the employment process.***

3. Exclusion of the Public

- 3.1 This report has been placed in the confidential part of the agenda in accordance with section 48(1)(a) and section 7 of the Local Government Official Information and Meetings Act 1987. The reason for withholding information in this report under this Act is to:

CONFIDENTIAL

Item 2: Appointment of Nelson City Council Chief Executive

- Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person
- Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)

4. Background

- 4.1 The Chief Executive Employment Committee was delegated to facilitate the process for appointment of the Chief Executive, including the establishment of an interview panel.
- 4.2 Council met informally on 10 February 2023 to meet two shortlisted candidates.
- 4.3 The Chief Executive Employment Committee have completed due diligence and have progressed the preferred candidate to the final stage of the selection process.
- 4.4 Section 42(1) of the Local Government Act 2002 states that the local authority must, in accordance with clauses 33 and 34 of Schedule 7, appoint a chief executive.
- 4.5 Sections 33 and 34 of Schedule 7 states:

33 Appointment of chief executive

The local authority must, in making an appointment under [section 42](#), have regard to the need to appoint a person who will—

- (a) discharge the specific responsibilities placed on the appointee; and
- (b) imbue the employees of the local authority with a spirit of service to the community; and
- (c) promote efficiency in the local authority; and
- (d) be a responsible manager; and
- (e) maintain appropriate standards of integrity and conduct among the employees of the local authority; and
- (f) ensure that the local authority is a good employer; and
- (g) promote equal employment opportunities.

34 Terms of employment of chief executive

- (1) A chief executive appointed under [section 42](#) may not be appointed for a term of more than 5 years.
- (2) The local authority and the chief executive must enter into a performance agreement.
- (3) When the term of appointment expires, a vacancy exists in the office of the chief executive, and that vacancy must be advertised.
- (4) Despite subclause (3), if the local authority has completed a review under [clause 35](#), that local authority may, without advertising the vacancy, appoint the incumbent chief executive for a second term not exceeding 2 years on the expiry of the first term of appointment.

CONFIDENTIAL

Item 2: Appointment of Nelson City Council Chief Executive

- (5) After completing a review under [clause 35](#), but before the date on which the chief executive's contract of employment for the first term expires, the local authority must resolve whether or not to—
 - (a) appoint the chief executive for a second term under subclause (4);
or
 - (b) advertise the vacancy.
- (6) If a vacancy is advertised,—
 - (a) the incumbent chief executive may apply for the position; and
 - (b) the local authority must give due consideration to any application for the position by the incumbent chief executive.
- (7) Despite the provisions of any other enactment or rule of law, a chief executive has no right or expectation of renewed employment at the end of any term.

5. Conclusion

- 5.1 The final decision and appointment of the Chief Executive is a matter for Council.

Author: Hon Dr Nick Smith, Mayor

Attachments

Nil