

His Worship the Mayor
Councillors
CITY OF MARION



**NOTICE OF
REVIEW & SELECTION COMMITTEE MEETING**

Notice is hereby given pursuant to the provisions under Section 83 of the Local Government Act 1999 that a General Council meeting will be held

Tuesday 7 February 2017

Commencing at 6.30pm

In Committee Room 2

Council Administration Centre

245 Sturt Road, Sturt

A copy of the Agenda for this meeting is attached in accordance with Section 83 of the Act.

Meetings of the Council are open to the public and interested members of this community are welcome to attend. Access to Committee Room 2 is via the main entrance to the Administration building on Sturt Road, Sturt.

A handwritten signature in blue ink, appearing to read "Adrian Skull", is written over a faint, light-colored circular stamp.

Adrian Skull
CHIEF EXECUTIVE OFFICER

2 February 2017

**CITY OF MARION
REVIEW & SELECTION COMMITTEE AGENDA
FOR THE MEETING TO BE HELD ON
TUESDAY 7 FEBRUARY 2017
COMMENCING AT 6.30 PM
COMMITTEE ROOM 2
245 STURT ROAD, STURT**



1. OPEN MEETING

2. KAURNA ACKNOWLEDGEMENT

We acknowledge the Kaurna people, the traditional custodians of this land and pay our respects to their elders past and present.

3. MEMBER'S DECLARATION OF INTEREST (if any)

4. CONFIRMATION OF MINUTES

4.1 Confirmation of the Minutes for the Special People & Culture Committee Meeting held on 6 December 2016 4

5. BUSINESS ARISING

Nil

6. PRESENTATION

Nil

7. REPORTS

7.1 Terms of Reference
RSC070217R7.1 6

7.2 Work Plan 2017
RSC070217R7.2 10

7.3 CEO Performance and Remuneration Review Timeline and Approach
RSC070217R7.3 12

7.4 Development Assessment Panel – Vacancy for Independent Members
RSC070217R7.4 18

8. CONFIDENTIAL ITEMS

8.1 CEO Key Performance Indicators for Quarter 2 - 2016/2017
RSC070217R8.1 21

9. ANY OTHER BUSINESS

10. MEETING CLOSURE

The Review & Selection Committee meeting shall conclude on or before 9.30pm unless there is a specific motion adopted at the meeting to continue beyond that time.

11. NEXT MEETING

The next meeting of the Review & Selection Committee is scheduled to be held on:

Time: 6:30pm

Date: 2 May 2017

Venue: Committee Room 2

6. Other Business

7. MEETING CLOSURE

The meeting was declared closed at 9.44pm

8. NEXT MEETING

There are no further scheduled meetings of the People and Culture Committee as the Council has resolved to disband the Committee effective from 31 December 2016.

CONFIRMED

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CHAIRPERSON

/ /

**CITY OF MARION
REVIEW & SELECTION COMMITTEE MEETING
7 FEBRUARY 2017**

Originating Officer: Steph Roberts, Manager Human Resources
Chief Executive: Adrian Skull
Subject: Terms of Reference
Report Reference: RSC070217R7.1

DISCUSSION OBJECTIVES:

To note the Review & Selection Committee's Terms of Reference and provide an opportunity for each of the members to give an overview of their skills.

EXECUTIVE SUMMARY:

The Review & Selection Committee is a formally constituted Committee of Council pursuant to Section 41 of the Local Government Act 1999 and is responsible to Council.

The Committee's role is to report to Council and provide appropriate advice and recommendations on matters contained within the Committee's terms of Reference (as adopted by Council at its Special Council Meeting on 1 November 2016). A copy of the Terms of Reference is attached at Appendix 1.

The Committee comprises of 3 Elected Members and the Mayor is the Presiding Member. Each Member brings different skills and experience to the Committee.

Each Committee member is invited to give an overview of their own skills and experience relevant to the Committee's objectives (as defined in the Terms of Reference).

RECOMMENDATIONS

DUE DATES

That the Review & Selection Committee:

- | | |
|--|------------------------|
| 1. Notes the Terms of Reference identified at Appendix 1 to the report. | 7 February 2017 |
| 2. Note the overview of skills provided by each of the Committee Members. | 1 March 2017 |

REVIEW AND SELECTION COMMITTEE TERMS OF REFERENCE



1. Establishment

1.1 Pursuant to section 41 of the *Local Government Act 1999* (the Act) the Council has established a Chief Executive Officer Performance Review and Selection Committee.

2. Objectives

2.1 The Committee is established for the purpose of:

2.1.1 Sourcing and recommending to Council the appointment of expert members to Committees.

2.1.2 Reviewing the performance of the Chief Executive Officer

2.1.3 Recommending a process to Council for the recruitment of the Chief Executive Officer (as required).

3. Membership

3.1 Membership of the Committee will comprise:

(i) the Mayor

(ii) Three Elected Members

The Membership for the three Elected Members of the Committee continues for the term as resolved by Council.

Elected Member Representatives

3.2 The Presiding Member will be the Mayor.

3.3 Appointment of the Elected Member representative will be made by Council on a rotational basis as resolved from time to time. Council may resolve to re-appoint an Elected Member representative for consecutive terms.

3.4 No additional allowance will be paid to the Mayor or Elected Member representatives over and above the allowance already received by the Elected Member.

3.5 If required, training and development will be sourced and provided to the Elected Member Representative on matters/subjects within the Committee's Terms of Reference.

4. Basis of Operation

4.1 The Committee does not have any delegated powers of Council, and all decisions of the Committee will constitute recommendations to Council.

4.2 For the purposes of Section 41(8) of the Local Government Act 1999, the Council does not impose any reporting and accountability requirements on the basis that all decisions of the Committee constitute recommendations to Council.

4.3 Committee meetings will take place at the City of Marion Administration Centre as required to undertake the responsibilities identified in these Terms of Reference

- 4.4 The Committee will meet on an ad-hoc basis with a meeting occurring at least every 6 months. Meetings will be convened at the request of the presiding member or the elected members on the Committee.
- 4.5 A quorum for a meeting of the Committee shall be three members of the Committee.
- 4.6 In the absence of the Presiding Member from a meeting, the Deputy Mayor will chair the meeting.
- 4.7 Each member present at a Committee meeting must, subject to a provision of the Local Government Act 1999 to the contrary, vote on a question arising for decision at that meeting.
- 4.8 Where the Local Government Act 1999, the Local Government (Procedures at Meetings) Regulations 2000 and these Terms of Reference do not prescribe procedures to be observed in relation to the conduct of a meeting of the Committee, the Committee may determine its own procedures.
- 4.9 Administrative support will be provided to the Committee as required.

5. Terms of Reference

Within the parameters of the Local Government Act 1999, and having regard to the powers, functions and responsibilities of the Chief Executive Officer, the Committee is charged with undertaking the following functions:

- 5.1 **CEO Employment Agreement and Performance Review**
 - 5.1.1 Arranging for the conduct of the Chief Executive Officer's six month (informal) and annual performance review within the parameters of the Chief Executive Officer's Employment Agreement.
 - 5.1.2 Reviewing the Chief Executive Officer's performance criteria within the parameters of the Chief Executive Officer's Employment Agreement.
 - 5.1.3 Reviewing the Chief Executive Officer's remuneration package within the parameters of the Chief Executive Officer's Employment Agreement.
 - 5.1.4 Reviewing any aspect of the Chief Executive Officer's Employment Agreement within the parameters of the Chief Executive Officer's Employment Agreement.
 - 5.1.5 Recommending to Council the outcomes of the Chief Executive Officer's annual performance review.
 - 5.1.6 Recommending to Council the Chief Executive Officer's remuneration package and performance criteria to be applied for the ensuing year.
 - 5.1.7 Providing feedback to the Chief Executive Officer on outcomes of the performance review, and in conjunction with the Chief Executive Officer, determining appropriate courses of action as required.
 - 5.1.8 Recommending to Council any changes to the Chief Executive Officer's Employment Agreement to be further negotiated with the CEO.
- 5.2 **Vacancy of the Office of the Chief Executive Officer**
 - 5.2.1 The Council will appoint a Chief Executive Officer.
 - 5.2.2 In the event a vacancy in the office of the Chief Executive Officer, the Committee will develop and recommend to Council the necessary steps to fill the vacancy in accordance with the requirements the Local Government Act 1999.

5.2.3 The Committee will act as the selection group and make recommendations to the Council in accordance with the process developed and adopted in accordance with section 5.2.2.

5.3 Process to Source Appointment of Expert Members to section 41 Committees

5.3.1 This Committee and the Chief Executive Officer will act as the selection panel for all expert members to section 41 Committees.

5.3.2 This panel will be supported by the manager with the relevant expertise required for the operations of the Committee.

5.3.3 The process to be followed by the Committee is:

- Identification of potential candidates via an executive search rather than general advertisement.
- Short list candidates for interviews/discussion.
- Interviews with candidates to determine suitability for selection.
- Determine a preferred candidate and confirm their preparedness to be nominated for appointment.
- Make recommendation to Council on a preferred candidate.

5.4 Process to Source Appointment of Expert Members to the Development Assessment Panel (DAP)

5.4.1 This Committee and the Chief Executive Officer will act as the selection panel for all expert members to the Development Assessment Panel.

5.4.2 This panel will be supported by the Manager Development Services and any other manager with the relevant expertise required for the operations of the Committee.

5.4.3 The process to be followed by the Committee is:

- Identification of potential candidates via general advertisement.
- Short list candidates for interviews/discussion.
- Interviews with candidates to determine suitability for selection.
- Determine a preferred candidate and confirm their preparedness to be nominated for appointment.
- Make recommendation to Council on a preferred candidate.

5.5 Review Committee's Performance

Review the Committee's Performance on a bi-annual (every two years) basis using performance indicators developed for that purpose.

Adopted by Council:	1 November 2016
Next Review:	November 2019
Previous Version:	Nil
Owner:	Manager Corporate Governance Manager Human Resources
Applicable Legislation:	Local Government Act 1999

**CITY OF MARION
REVIEW & SELECTION COMMITTEE MEETING
7 FEBRUARY 2017**

Originating Officer: Steph Roberts, Manager Human Resources
Chief Executive Officer: Adrian Skull
Subject: Work Plan 2017
Reference No: RSC070217R7.2

REPORT OBJECTIVE

Setting an annual work program helps to ensure that the Review & Selection Committee addresses the scope of activities identified in the Committee's Terms of Reference, and ensures that the workload of the Committee is planned, managed and resourced. It allows the Committee to relay the dates and times of the meetings to the community and provides for upcoming business to be dealt with in a timely manner.

EXECUTIVE SUMMARY

A work program and meeting schedule for 2017 satisfying the requirements set out in the Terms of Reference has been compiled in **Appendix 1** for the Committee's consideration.

The items included on the program are indicative only as items may be added, changed or moved during the year depending on areas of focus.

RECOMMENDATION:

DUE DATE

That the Review & Selection Committee:

- | | |
|--|------------------------|
| 1. Notes the proposed work program for 2017 identified at Appendix 1 to the report subject to the following amendments:
-
- | 7 February 2017 |
|--|------------------------|

Appendix 1**INDICATIVE REVIEW & SELECTION COMMITTEE WORK PROGRAM – 2017****TUESDAY, 7 February 2017**

Topic	Action
Terms of Reference	
Work Plan 2017	
Set timetable for CEO Performance & Remuneration Review	
DAP Independent Member Recruitment	
Confidential Item – Quarter 2 KPI Progress	

TUESDAY, 2 May 2017

Topic	Action
CEO Interim Review – Progress against KPI's	
CEO and Organisational KPI's 17/18 FY	

TUESDAY, 7 November 2017

Topic	Action
Annual CEO Performance and Remuneration Review	
Review appointment of expert members to section 41 Committees.	
Indicative Work Program for Review & Selection Committee for 2018	
Annual Report to Council on Outcomes from Review & Selection Committee	
Review & Selection Committee Monitoring Report (key strategies, policies, budget)	
Committee Review and Feedback	

**CITY OF MARION
REVIEW AND SELECTION COMMITTEE MEETING
7 FEBRUARY 2017**

Originating Officer: Steph Roberts, Manager Human Resources

Subject: CEO Performance and Remuneration Review
Timeline and Approach

Report Reference: RSC070217R7.3

REPORT OBJECTIVES:

To provide the Review and Selection Committee with a suggested approach and timeline for managing the Chief Executive Officer (CEO) Performance and Remuneration Review for the 2016/17 financial year.

EXECUTIVE SUMMARY:

The employment of a CEO is a critical function of the Council and ensuring a best practice CEO Performance and Remuneration Review will bring further accountability and benefits to the Council and its community.

This report outlines a proposed approach and timeline for the Committee's consideration that is inclusive of the requirements of the CEO's employment contract and other relevant documents.

The Review and Selection Committee is requested to review the proposed approach and make a recommendation to Council to be considered at the 28 February 2017 General Council Meeting.

RECOMMENDATION

DUE DATE

That the Review and Selection Committee:

- | | |
|--|-------------------|
| 1. Recommends the proposed approach and timeline for the CEO's performance and remuneration review as outlined in Appendix 1 subject to the following amendments: | 7 Feb 2017 |
| - | |
| - | |
| - | |

BACKGROUND

Council has the ultimate responsibility for setting strategy and the performance of the organisation and it exercises this responsibility through its only employee (the CEO). The CEO is entrusted with the organisation's day to day management with direction set from the Council. As such, there is a unique relationship between the CEO and the Council and the evaluation of the CEO's performance can impact this relationship in either a positive or negative manner. Therefore, when setting a CEO performance and remuneration review, consideration should be given to a number of leading practice principles:

- Alignment of CEO performance with the objectives of the organisation
- Be based on clear expectations developed and agreed in advance with the CEO
- Have a clear, transparent and agreed link between performance and remuneration
- Be conducted in a manner conducive to ongoing good governance
- Be tailored to the specific needs of the organisation
- Comply with relevant standards for accountability and communication.

The proposed approach outlined in **Appendix 1** has been developed with these principles in mind and the requirements of the CEO Employment Contract, agreed Key Performance Indicators (KPIs), section 5 of the Review and Selection Committee Terms of Reference and the Local Government Association (LGA) Code of Conduct for Assessment of the Chief Executive Officer.

DISCUSSION

The Review and Selection Committee has the responsibility of making recommendations to Council regarding the CEO performance and remuneration.

The proposed approach has been developed with the CEO's employment contract requirements in mind including:

- The performance rating agreed by the Council and the CEO as outlined in Schedule 4 of the CEO Employment Agreement
- The position description
- The KPIs agreed by the Council and the CEO
- The discharge of the duties, and
- Any other factors considered relevant.

Process

As referenced in the CEO's employment contract, the Committee may engage the services of an external consultant to assist in the assessment of the performance of the CEO. This is considered to be best practice approach for managing a CEO's Performance review as it ensures independence and mitigates potential conflicts of interest. It is recommended that the engagement of a consultant would include the 360-degree component of the performance review:

- The development, implementation (including interviews) and evaluation of a 360 tool, incorporating feedback from people the CEO works directly with, including Elected Members, key leaders and staff, as well as the CEO's self-assessment.
- A written report with the results of the 360-degree feedback
- It is proposed to once again engage Kathryn McEwen to conduct this work. Kathryn's charge for conducting this work in 2015/16 was \$3,850 and discounted to \$3000 plus

GST to meet our budget. Her quote for conducting the 360-degree feedback in 2016/17 is \$4000 plus GST.

The outcomes of the CEO's performance is to be determined by aggregating the assessment of the performance criteria and all persons providing feedback against the performance rating scale set out in Schedule 4 of the Employment Agreement.

The Review and Selection Committee would then provide a recommendation to the Council on the outcomes of the CEO's annual performance review.

The Council is required to consider and if agreed, adopt the recommendation from the Committee. The Mayor or Review and Selection Committee can provide feedback to the CEO on outcomes of the performance review and jointly determine appropriate courses of action.

Remuneration Review

The ASX Corporate Government Council recommends within principle 8 of their guideline that an organisation should design its executive remuneration to attract, retain and motivate high quality senior executives.

It is noted that if the CEO performance review achieves an outcome of acceptable or higher, the remuneration review as defined in the contract would be triggered. It is noted that any consideration for increase is determined by Council at Council's absolute discretion.

The Review and Selection Committee will be required to recommend to Council the CEO's remuneration package and performance criteria to be applied for the following year.

CONCLUSION

Adopting a formalised, structure approach to the CEO performance and remuneration review, gives the Council a greater likelihood of not only optimising their relationship with the CEO but also improving the overall performance of the organisation.

Appendix 1 - Proposed timeline for conducting the CEO's 2016/2017 performance and remuneration review.

Timeline: CEO Performance and Remuneration Review				
Date 2017	Activity	Meeting	Dependency	Contract / LGA Code of Conduct of the CEO
7 Feb	<ul style="list-style-type: none"> - Review proposed Timeline and process for CEO performance/ remuneration review and make recommendation to Council. - Confidential Item: Review of CEO KPIs Quarter 2 performance (focus on financials) 	Review and Selection Committee	CEO engagement	
28 Feb	<ul style="list-style-type: none"> - Report to Council to seek resolution regarding the process and timeline for CEO Performance and Remuneration Review 	General Council meeting	CEO engagement	
18 April	<ul style="list-style-type: none"> - CEO and Organisational KPIs 2017/2018 financial year 	Elected Member Forum	Budget process timeline (refer appendix 2)	
2 May	<ul style="list-style-type: none"> - Confidential Item: Review of Quarter 3 CEO KPI progress and make recommendation to Council - CEO KPIs 2017/2018 financial year and make recommendation to Council 	Review and Selection Committee		
23 May	<p>CEO interim Performance Review:</p> <ul style="list-style-type: none"> - Progress against KPIs - Elected Member Feedback (Confidential open discussion with CEO) <p>CEO KPIs 2017/2018 financial year</p>	General Council meeting	2 May Review and Selection Committee	
June	Appointment of external consultant to conduct the CEO 360-degree feedback process	Review and Selection Committee	7 Feb Review and Selection Committee and 28 Feb General Council Meeting	

September	Conduct 360-degree feedback Kathryn McEwen Cost \$4000 + GST	N/A	28 February Council resolution	The entire process to take no longer than 6 weeks
October	Assess performance against KPIs	N/A	Audited Financial Statements considered at	
October	Opportunity for Mayor to review the KPI results and 360 feedback (prior to 1/11 P&C meeting)	N/A	- Audit Committee 10 October 2017 - Council to adopt 24 October 2017	
October	HR conduct a remuneration assessment (market testing, using available data), to inform P&C committee (if required/dependent on the performance outcome)	N/A		
7 Nov	<ul style="list-style-type: none"> • Results of the performance review presented: <ul style="list-style-type: none"> - Feedback - KPIs • Remuneration review recommendation • CEO to provide an overview of the year in review / assess own performance (KPI results and 360 discussion) and provide to Review and Selection Committee • Contract review / extension recommendation to Council 	Review and Selection Committee		Remuneration review to be conducted within two (2) months of the performance review (unless a review of 'less than Acceptable' performance is achieved)
28 Nov	Recommendation CEO performance review, remuneration and contract review/extension, seeking resolution. CEO to attend at the end of the confidential item to be informed of decision.	Council Meeting		
29 Nov	The Mayor provide feedback to the CEO on outcomes of the performance review and in conjunction with the CEO, determine appropriate courses of action.	N/A	28 November resolution	Written report shall be compiled with respect to the annual performance review and a copy provided to the CEO
December	Letter from Mayor to CEO outlining outcomes of the performance review and any required contract amendments			

Appendix 2 – 2017-2018 Planning and Budgeting Process

The table below summarizes the key steps and timing in the planning and budgeting process. It also shows the critical decision points for Council through the process (highlighted in the shaded areas).

Stage	Focus	Timing
1	High level draft budget model development: <ul style="list-style-type: none"> Elected Members input in setting tolerance/ key assumptions, parameters for management Draft Budget Model developed based on parameters set 	29 November December- January
2	Analysis of planning inputs – high level draft Budget development	November- January
3	initial new priorities identified for draft Budget Model development	
4	<ul style="list-style-type: none"> LTFP aligned with set parameters, Council resolutions and prioritised new activities High Level draft Budget/LTFP modelling presented to Elected Members 	January 21 January
5	Develop Draft Annual Business Plan /LTFP Framework and Assumptions - Finance and Audit Committee input sought	28 February
6	Draft Annual Business Plan /LTFP Framework and Assumptions endorsed and adopted	14 March
7	<ul style="list-style-type: none"> Draft Annual Business Plan and Comprehensive Draft Budget Elected Member Forum – Rating data, rates discussion, 17/18 priority projects list modelling, 	21 March
8	Set Tentative Rates Set draft priority projects list for consultation	
9	Draft Annual Business Plan endorsed and adopted for Community Consultation	11 April
10	Community Consultation period (Min. 21 Days)	April / May
11	Community Consultation Feedback to Council	23 May
12	Final rates discussion Final priority projects discussions	
13	Finance & Audit Committee – Post Community Consultation Feedback	30 May
14	Final Draft Annual Business Plan and LTFP endorsed by Council for Adoption	13 June
15	Lock in final plan and budget in preparation for adoption	
16	Annual Business Plan / LTFP adopted	27 June

BACKGROUND

Clause 5.4.1 of the Terms of Reference for the Review and Selection Committee provides that this Committee and the Chief Executive Officer will act as the selection panel for all expert members to the Development Assessment Panel (DAP).

Clause 5.4.3 outlines the process to be followed by the Committee, which is as follows:

- Identification of potential candidates via general advertisement
- Shortlist candidates for interviews/discussion
- Interviews with candidates to determine suitability for selection
- Determine a preferred candidate and confirm their preparedness to be nominated for appointment
- Make recommendation to Council on preferred candidates.

The current terms of two independent members, Gavin Lloyd-Jones and Graham Goss are due to expire on 28 May 2017.

Accordingly, Council must either commence the recruitment process outlined in Clause 5.4.3 by placing an advertisement in the Adelaide Advertiser and relevant on-line websites seeking expressions of interest for Independent Members on the Development Assessment Panel or reappoint the existing members to the Panel. (Provided both express an interest to continue on the Panel).

If the recruitment process outlined in Clause 5.4.3 is pursued (either by choice or necessity), the Review and Selection Committee may need to meet outside its schedule of meetings to progress the recruitment process in a timely manner, as the process includes interviews with candidates.

Financial Implications:

Fees for independent members are included in the budget each year.

DISCUSSION

Both Gavin Lloyd-Jones and Graham Goss have been valued members of the Development Assessment Panel since commencing in May 2015. Gavin Lloyd-Jones is the Presiding Member of the Panel, a position which is appointed directly by Council.

Although their terms expire at the end of May 2017, Section 56A(4a) of the Development Act, 1993 allows for a member of the Panel to continue for a period of up to six months after the expiry of their term. Therefore, it is not a legislative imperative that any new appointments are made before the 28 May 2017 deadline.

It is noted that pursuant to Section 56A(3d) of the Development Act 1993, at least one member of the Panel must be a man and one must be a woman. As one of the other Independent Members of the Panel is a female, there is no legislative imperative to appoint a female to the Panel at this point in time.

It is noted that both Gavin Lloyd-Jones and Graham Goss are eligible to re-apply for the impending vacancies. Alternatively, the Review and Selection Panel could (if it sees fit) recommend that Council reappoint the current members for a further two-year term, provided both express an interest to continue of the Panel.

At some stage over the next 12 months, the Development Act 1993 may commence transitioning to the Planning, Development & Infrastructure Act 2016 which is likely to change the constitution of Development Assessment Panels such that only one Elected Member will remain on the Panel, rather than the current three. This legislative reform does not compromise the reappoint of two Independent Members to the Panel for a period of two years.

CONCLUSION

The terms of two Independent Members appointed to the Development Assessment Panel are due to expire on 28 May 2017.

It is therefore opportune for Council to advertise the impending positions to the general public to seek applicants for the position or to reappoint the existing members.

**CITY OF MARION
REVIEW AND SELECTION COMMITTEE MEETING
7 FEBRUARY 2017**

CONFIDENTIAL REPORT

Originating Officer: Deborah Horton, Unit Manager Corporate Performance
Corporate Manager: Steph Roberts, Manager Human Resources
Subject: CEO Key Performance Indicators for Quarter 2 2016/17
Report Reference: RSC070217R8.1

If the Review and Selection Committee so determines, this matter may be considered in confidence under Section 90(2) and (3)(a) of the *Local Government Act 1999* on the grounds that the report contains information relating to the personal affairs of the Chief Executive Officer.

RECOMMENDATION:

1. That pursuant to Section 90(2) and (3)(a) of the *Local Government Act 1999*, the Review and Selection Committee orders that all persons present, with the exception of the following persons: Adrian Skull and Steph Roberts be excluded from the meeting as the Review and Selection Committee receives and considers information relating to CEO Key Performance Indicators for Quarter 2 2016/17, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to personal affairs of the Chief Executive Officer.