

# **CEO PERFORMANCE REVIEW PANEL**

# **NOTICE OF MEETING**

To: **Presiding Member** Cr Jan Loveday

**Members** 

Mayor Bill Spragg Cr Jan-Claire Wisdom Cr Linda Green Ms Paula Davies, Independent Member

Notice is hereby given pursuant to the provisions under Section 87 of the *Local Government Act 1999* that the next meeting of the CEO Performance Review Panel will be held on:

Tuesday 29 May 2018 6.00pm 63 Mt Barker Road Stirling

A copy of the Agenda for this meeting is supplied under Section 87 of the Act.

Committee meetings are open to the public and members of the community are welcome to attend. Public notice of the Agenda for this meeting is supplied under Section 88 of the Act.

Andrew Aitken
Chief Executive Officer

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# **CEO PERFORMANCE REVIEW PANEL**

AGENDA FOR MEETING Tuesdayd 29 May 2018 6.00pm 63 Mt Barker Road Stirling

# **ORDER OF BUSINESS**

Council Vision

3.

3.1

Nurturing our unique place and people

**MINUTES OF PREVIOUS MEETINGS** 

**CEO Performance Review Panel – 12 April 2018** 

Council M	Council Mission			
	Delivering activities and services which build a resilient community, sustain our built and natural environment and promote a vibrant economy			
1.	COMMENCEMENT			
1.	COMMENCEMENT			
2.	APOLOGIES/LEAVE OF ABSENCE			
2.1	Apology			
	Apologies were received from			
2.2	Leave of Absence			
2.3	Absent			

That the minutes of the CEO Performance Review Panel meeting held on 12 April 2018, as

supplied, be confirmed as an accurate record of the proceedings of that meeting.



# 4. PRESIDING MEMBER'S OPENING COMMENTS

# 5. DELEGATION OF AUTHORITY

The CEO Performance Review Panel operates in accordance with the relevant sections of the *Local Government Act 1999*, and its Terms of Reference.

- 6. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL
- 7. OFFICER REPORTS DECISION ITEMS
- 7.1 Update on CEO Performance Targets 2017 2018

That the CEO Performance Review Panel resolves that the report be received and noted.

- 7.2 Proposed CEO Performance Targets 2018 2019
  - 1. That the report be received and noted
  - 2. To recommend to Council to adopt the proposed 2018-2019 CEO Performance Targets.
- 8. MOTIONS WITHOUT NOTICE
- 9. QUESTIONS WITHOUT NOTICE
- 10. CONFIDENTIAL ITEMS
- 10.1 Consultant to undertake CEO Performance & Remuneration Review
- 11. NEXT MEETING

The next CEO Performance Review Panel meeting will be held on Thursday 9 August 2018 from 6.00pm at 63 Mount Barker Road, Stirling.

# 12. CLOSE MEETING

# CEO PERFORMANCE REVIEW PANEL COMMITTEE MINUTES OF MEETING 12 APRIL 2018 63 MT BARKER ROAD STIRLING

(These minutes will be confirmed at the next meeting of this Committee)

Members:

Presiding Member: Cr Jan Loveday

Mayor Bill Spragg (by phone)
Cr Jan-Claire Wisdom (by phone)
Cr Linda Green (by phone)
Ms Paula Davies, Independent Member

# In attendance:

Andrew Aitken Chief Executive Officer

Lachlan Miller Executive Manager Governance & Performance Megan Sutherland Executive Manager Organisational Development

# 1 Commencement

The meeting commenced at 6.10pm.

- 2 Apologies/Leave of Absence
- 2.1 Apology

Nil

2.2 Leave of Absence

Nil

2.3 Absent

Nil

- **3** Previous Minutes
- 3.1 CEO Performance Review Panel Meeting 8 November 2017

Moved Mayor Bill Spragg S/- Paula Davies

PRP1/18

That the minutes of the CEO Performance Review Panel meeting held on 8 November 2017 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

Carried Unanimously

Presiding Member \_\_\_\_\_\_29 May 2018

PRP4/18

# CEO PERFORMANCE REVIEW PANEL COMMITTEE MINUTES OF MEETING 12 APRIL 2018 63 MT BARKER ROAD STIRLING

(These minutes will be confirmed at the next meeting of this Committee)

4 **Presiding Member's Opening Comments** 5 **Delegation of Authority** The CEO Performance Review Panel operates in accordance with the relevant sections of the Local Government Act 1999, and its Terms of Reference. 6 **Declaration of Interest by Members of the Committee** Nil 7 Officer Reports – Decision Items Leave of the meeting was granted to move items 7.2 and 7.3 forward in the agenda. 7.2 **Internal or External CEO Performance Review 2018 Moved Cr Jan-Claire Wisdom** PRP3/18 S/- Paula Davies That the Panel resolves: 1. That the report be received and noted 2. That the CEO Performance Review Panel recommends to Council to undertake the 2018 CEO Performance Review and TEC Package review using an external consultant. **Carried Unanimously** 7.3 2018 CEO Performance Review Panel Meeting and Process Schedule

That the Panel resolves:

Moved Cr Linda Green S/- Paula Davies

- 1. That the report be received and noted.
- 2. That the 2018 CEO Performance Review Panel Meeting and Process Schedule, as contained in Appendix 1, be adopted.

Carried Unanimously

# CEO PERFORMANCE REVIEW PANEL COMMITTEE MINUTES OF MEETING 12 APRIL 2018 63 MT BARKER ROAD STIRLING

(These minutes will be confirmed at the next meeting of this Committee)

OFFICER REPORTS – INFORMATION ITEMS
Proposed 2018 – 2019 CEO Performance Targets
Moved Paula Davies PRP2/18 S/- Cr Jan-Claire Wisdom
That the Panel resolves that the report be received and noted.
Carried Unanimously
Cr Jan-Claire Wisdom & Cr Linda Green left the meeting a 6.50pm and did not return.
Update on 2017-2018 CEO Performance Review 2018
Moved Mayor Bill Spragg S/- Paula Davies PRP5/18
That the CEO Performance Review Panel resolves that the report be received and noted
Carried unanimously
Motions Without Notice Nil
Questions Without Notice Nil
Confidential items Nil

Presiding Member \_\_\_\_\_\_29 May 2018

# ADELAIDE HILLS COUNCIL CEO PERFORMANCE REVIEW PANEL MEETING Tuesday 29 May 2018 AGENDA BUSINESS ITEM

Item: 7.1

Originating Officer: Andrew Aitken, Chief Executive Officer

Subject: 2017-2018 CEO Performance Targets Update

For: Decision

# **SUMMARY**

The role of the Chief Executive Officer (CEO) Performance Review Panel (the Panel) includes reviewing the performance of the CEO, in particular the performance against the Performance Targets and to undertake a review of the CEO's Performance Targets to ensure they remain relevant, achievable and aligned to Council's strategic objectives.

This report provides an update on activities against the Performance Targets for 2017-2018.

### RECOMMENDATION

That the CEO Performance Review Panel resolves that the report be received and noted.

# 1. GOVERNANCE

# Strategic Management Plan/Council Policy

Goal Organisational Sustainability

Key Issue Governance

We diligently adhere to legislative requirements to ensure public accountability and exceed these requirements where possible.

# Legal Implications

The CEO Performance Review Panel is a Section 41 Committee of Council under the *Local Government Act 1999*.

This report summarises progress against the established and agreed Performance Targets for 2017-2018, and forms part of the performance review process to ensure the CEO is provided with a fair and consistent performance review process that would stand up under scrutiny.

# Risk Management Implications

The CEO Performance Targets update is an important control in managing the risks of:

Deficient CEO performance review practices resulting in a lack of accountability and loss of stakeholder confidence.

Inherent Risk	Residual Risk	Target Risk
Medium (3C)	Medium (3D)	Medium (3D)

Note: there are many other controls that also assist in managing this risk.

Non-achievement of CEO Performance Targets resulting in loss of community benefit and/or opportunities and/or stakeholder confidence.

Inherent Risk	Residual Risk	Target Risk
High (3B)	Medium (3D)	Medium (3C)

Note: there are many other controls that also assist in managing this risk.

# Financial and Resource Implications

There are no financial or resource implications in reporting on projects against the CEO Performance Targets.

# Customer Service and Community/Cultural Implications

There is a community expectation that the CEO will manage the organisation's human, financial and physical resources to ensure the best outcomes for the community.

There is a community expectation that the CEO is accountable to, and performs against, the agreed Performance Targets.

# Environmental Implications

Not applicable.

# Engagement/Consultation with Committee, Regional Subsidiary, Advisory Group and Community

Members of the Executive Leadership Team (detailed below) provided updates on progress of the performance targets (see Appendix 1).

Council Committees: Updates on the status of th performance targets have been

discussed previsouly with the Panel and at the Audit Committee

Meeting on 30 April 2018.

Council Workshops: Several of the target topics have been discussed at with Council

Members over this financial year.

Advisory Groups: Performance Targets 2 and 4 have been discussed with relevant

advisory groups during this financial year.

Administration: Chief Executive Officer

**Director Community and Customer Service** 

Director Corporate Services
Director Engineering and Assets
Director Strategy and Development

Executive Manager Governance and Performance Executive Manager Organisational Development

Community: Not applicable

### 2. BACKGROUND

The CEO's new Employment Agreement commenced on 1 July 2017, the Council also adopted a new suite of CEO Performance Targets on 27 June 2017 covering the 2017-2018 financial year.

# 14.5. CEO Performance Targets 2017-2018

Moved Cr Jan Loveday S/- Cr Lynton Vonow 132/17

# Council resolves:

- 1. That the report be received and noted
- To adopt the suite of CEO Performance Targets as recommended by the Panel in Appendix 1 of this report.

**Carried Unanimously** 

# 3. ANALYSIS

This item provides the opportunity for the CEO to update the CEO Performance Review Panel on the progress against the Performance Targets to date and identify any issues for consideration. This enables the Panel to undertake an interim analysis of the CEO Performance Targets with a view to reviewing priorities and existing timeframes, if required.

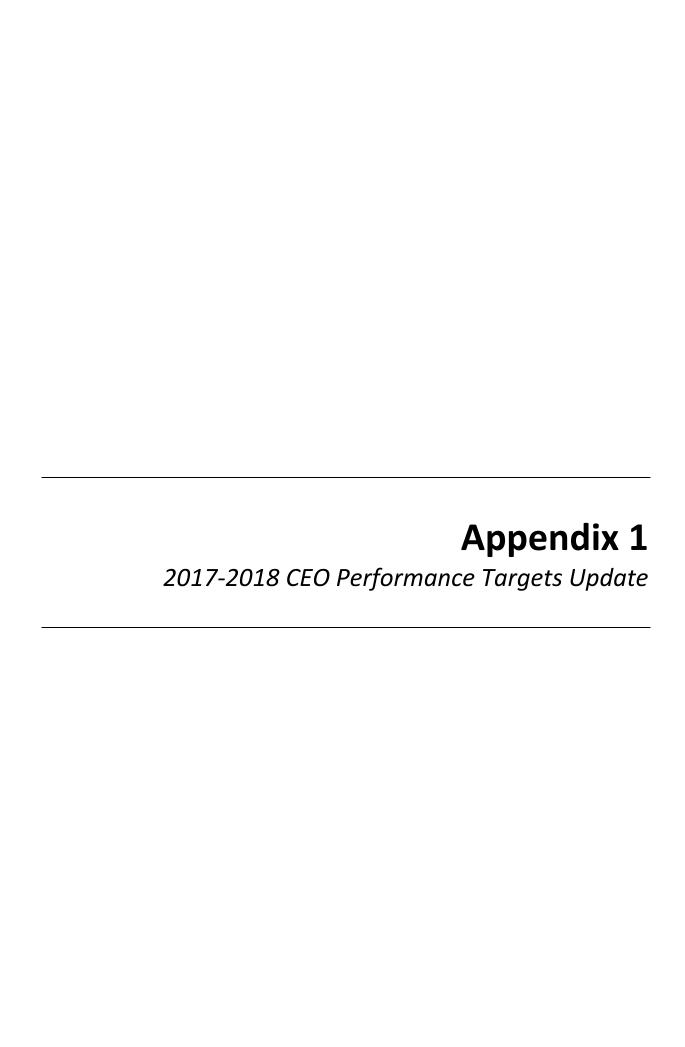
# 4. OPTIONS

The CEO Performance Review Panel has the following options:

- 1. That the report be received and noted.
- 2. That the Panel makes alternative/additional recommendations to Council relating to the current suite of Performance Targets.

# 5. APPENDIX

(1) 2017-2018 CEO Performance Targets Update





# 2017-2018 CEO PERFORMANCE TARGETS UPDATE

	Target	Responsible Officer	Update
1.	Establish and complete a pilot to assess the service impact of utilising mobile devices in the field. Primary areas will include Development Services (compliance), and Works & Services (maintenance).	Marc Salver	COMPLETED:  Mobile devices were rolled out to relevant staff in October/November. The service impact of having these mobile devices in field has been assessed for Development Compliance, Building Inspections, Wasp and Dog services, and Playground and Tree Inspections. Overall across all the aforementioned services, the use of in field Devices for the 17 weeks between January and April has resulted in a reduction in staff time (which can be spent on other tasks); fuel savings as a result of a reduction in km's travelled; and a reduction in printing costs as documents are not required (these are now viewed on screen in the field).
2.	Age Friendly Plan – Retirement Villages  Provide a recommendation to Council following the Expression Of Interest / Request For Proposal process on the future management model for Adelaide Hills Council's retirement villages	Terry Crackett	COMPLETED: Calls for expressions of interest commenced in July 2017 and closed on 31 August 2017. Six submissions were received and have been reviewed by staff.  A confidential workshop was presented to Council on 6 December 2017.  A confidential report was presented to Council at the meeting of 27 February 2018 detailing submissions received from the EOI process with various recommendations for further investigation and action.  A further report will be presented to Council later this year following completion of those further actions and investigations.
3.	Mentoring & Coaching program  Establish and commence an organisational mentoring and coaching development program	Megan Sutherland	IN PROGRESS: Discussion and feedback has been sought through ELT. Further work has been undertaken to assess the merits of utilising LG Professionals, who have recently undertaken work to seek and establish a panel of coaches, providing a number of options for matching a coach and coachee. Finalising the framework and approaches for both coaching and mentoring is underway.



# 2017-2018 CEO PERFORMANCE TARGETS UPDATE

	Target	Responsible Officer	Update
4.	Arts & Culture  Develop and present to Council for endorsement the Business Plan to establish an Arts & Heritage Hub at the Old Woollen Mill site at Lobethal.	David Waters	COMPLETED: The Council received and noted the completed Business Development Framework at its meeting on 27 February 2018 and resolved to proceed with implementation.
5.	Asset Management Planning (AMP)  Complete an update of all Asset Management Plans to inform the 2018/19 review of the Long Term Financial Plan. This update to include a detailed review of Transport Asset categories and capture of asset information within the Asset Management System	Peter Bice	COMPLETED: The High level review and analysis of Transport Assets has been undertaken successfully. Subsequently, a business review process was completed and a data transfer specification was developed to migrate sealed, unsealed, footpath, pavement transport data into the Confirm Enterpise Asset Management System.  A workshop was held with Council Members on 20 September 2017 to discuss Transport Assets and high level review of current condition, performance indicators and operational/ capital consideration in a complete asset management cycle.  A workshop with Council Members was then held on 30 January 2018 incorporating the detailed review of transport assets and reallocations of all asset class expenditure levels, which informed the updated Long Term Financial Plan currently out for public consultation.
6.	Corporate Reporting Measurement  Review Council's corporate reporting approaches and produce a consolidated Corporate Reporting Framework from which to guide regular reporting to management and Council	Lachlan Miller	IN PROGRESS:  An integrated Corporate Planning and Performance Reporting Framework has been drafted and consulted on internally and with the 30 April Audit Committee. The draft Framework recognises Council's legislative obligations along with its current discretionary initiatives in this space.  A report is scheduled for the 19 June Special Council Meeting and will seek the adoption of the Framework and associated implementation actions.

# ADELAIDE HILLS COUNCIL CEO PERFORMANCE REVIEW PANEL MEETING Tuesday 29 May 2018 AGENDA BUSINESS ITEM

Item: 7.2

Originating Officer: Andrew Aitken, Chief Executive Officer

Subject: Proposed 2018-2019 CEO Performance Targets

For: Decision

### **SUMMARY**

The Employment Agreement (the Agreement) between Council and the Chief Executive Officer (CEO) provides for a performance review process.

The review is to assess the CEO's performance by reference to the Personal Evaluation System (PES) or other rating scale as agreed, contained in the Employment Agreement, against the CEO's duties, position description and performance targets.

The role of the CEO Performance Review Panel (the Panel) includes reviewing the performance of the CEO; in particular the performance against the targets and to undertake a review of the CEO's targets to ensure they remain relevant and aligned to Council's strategic goals.

This report is to provide feedback to the CEO that will assist in further conversations with Council on the proposed performance targets for the 2018/19 financial year. A final decision will be made by Council later in the year through a recommendation from the Panel to the Council.

# **RECOMMENDATION**

The CEO Performance Review Panel resolves:

- 1. That the report be received and noted
- 2. To recommend to Council to adopt the proposed 2018-2019 CEO Performance Targets.

# 1. GOVERNANCE

# Strategic Management Plan

Goal Organisational Sustainability

Key Issue Governance

We diligently adhere to legislative requirements to ensure public accountability and exceed these requirements where possible.

# > Legal Implications

The CEO Performance Review Panel is a Section 41 of Committee of Council under the *Local Government Act 1999*.

This process needs to be undertaken appropriately to ensure the CEO is provided with a fair and consistent approach to determine appropriate performance targets, as the performance targets are used in the annual performance review process that directly affects decisions made in relation to the CEO, his performance and remuneration discussions.

Section 96 (Council to have a chief executive officer) of the Local Government Act 1999

# Risk Management Implications

Undertaking regular review's of the CEO's performance is an important control mitigating the risk of:

Deficient CEO performance review practices resulting in a lack of accountability and loss of stakeholder confidence in the organisation.

Inherent Risk	Residual Risk	Target Risk
Medium (3C)	Medium (3D)	Medium (3D)

Note: there are many other controls that also assist in managing this risk.

Non-achievement of CEO KPIs result in loss of community benefit and/or opportunities and/or stakeholder confidence in the organisation.

Inherent Risk	Residual Risk	Target Risk
High (3B)	Medium (3D)	Medium (3D)

Note: there are many other controls that also assist in managing this risk.

# Financial and Resource Implications

Not applicable.

# Customer Service and Community/Cultural Implications

There is a community expectation that the CEO will manage the organisation's human, financial and physical resources to ensure they are utilised for the best outcomes for the community.

# Environmental Implications

Not applicable.

Engagement/Consultation conducted with Council Committee, Regional Subsidiary, Advisory Group, the Administration and Community

Consultation on the proposed Performance Targets has been undertaken with those listed below. Consultation with the Council Members will take place from this recommendation.

Council Committees: Not Applicable

Council Workshops: An initial discussion was held with the Panel at it's 12 April 2018

meeting. A working discussion of the proposed performance targets

occurred with Council Members on 15 May 2018.

Advisory Groups: Not Applicable

Administration: Chief Executive Officer

**Director Community and Customer Service** 

Director Corporate Services
Director Engineering and Assets
Director Strategy and Development

Executive Manager Governance and Performance Executive Manager Organisational Development

Community: Not Applicable

# 2. BACKGROUND

# **CEO Performance Review Panel (the Panel)**

The Panel Terms of Reference were adopted by Council on 25 July 2017 and state the Panel's specific functions as follows:

# **SPECIFIC FUNCTIONS**

- 2.1 The function of the Panel is to provide advice to Council on the CEO's performance and development, including the following matters:
  - 2.1.1 Determining the Performance Targets for the forthcoming 12 month performance period;
  - 2.1.2 Monitoring the progress on the CEO's agreed Performance Targets for the current 12 month performance period;
  - 2.1.3 Reviewing the CEO's performance over the preceding 12 month performance period, in particular the performance against the agreed Performance Targets and position description requirements;
  - 2.1.4 Identifying development opportunities for the CEO; and
  - 2.1.5 Reviewing the remuneration and conditions of employment of the CEO.

# **CEO Employment Agreement**

The CEO's new Employment Agreement commenced on 1 July 2017.

Clause 12 of the Agreement contains the provisions for a performance review process with the following key feature regarding performance indicators:

12.4 The performance review will review the CEO's Position Description and any key performance indictor(s).

# **CEO Performance Targets**

The Performance Targets have been considered to ensure alignment with Council's Strategic, Corporate and Annual Business Plans. Discussions have been undertaken with the Panel and Council Members on the proposed 2018-2019 CEO Performance Targets. Feedback from the parties has been incorporated into the proposed 2018-2019 CEO Performance Targets, attached at *Appendix 1*. (including tracked changes following Council Member Workshop discussion 15 May 2018.)

# 3. ANALYSIS

The suite of Performance Targets for the CEO are used, along with the Position Description, to review his annual performance.

In considering the 2018-2019 CEO's Performance Targets, the Panel may want to consider the degree to which the suite provides:

- an holistic indicator of CEO performance
- clarity in terms of what is to be measured (and what success looks like)
- how it will be measured.

It is also important to ensure the suite of Performance Targets are achievable over that coming year. It is recommended that the Panel, with the CEO, critically analyse the expectations on how many Performance Targets can realistically be achieved over the 12 month period to ensure the CEO and organisation are being set up for success.

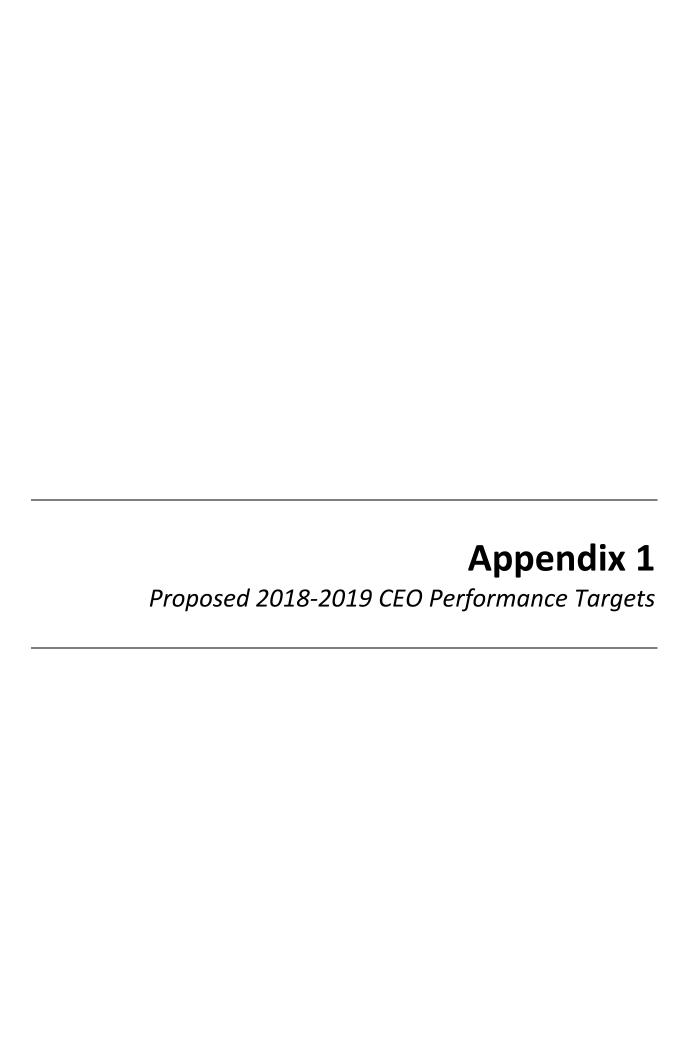
## 4. OPTIONS

The Panel has the following options:

- 1. To recommend to Council to adopt the proposed 2018-2019 CEO Performance Targets. (Recommended)
- 2. To recommend to Council to adopt the proposed 2018-2019 CEO Performance Targets with amendments. (Not recommended)
- 3. To discuss an alternative suite of 2018-2019 CEO Performance Targets with Council, in consultation and agreement with the CEO. (Not recommended)

# 5. APPENDIX

1. Proposed 2018-2019 CEO Performance Targets





# CEO PERFORMANCE TARGETS 2018-2019 Draft May 2018

	Target	Strategic Link	Strategic Reference
1.	CWMS Review Provide a recommendation to Council following the EOI process on the future management model for Adelaide Hills Council's Community Wastewater Management System (CWMS).	Strategic Plan	3.5 We will take a proactive approach and a long term view, to infrastructure maintenance and renewal.
2.   	Reconciliation Action Plan <u>With Council approval, Ee</u> stablish a Reconciliation Action Plan (RAP) Working Group  (comprising Aboriginal people, Council Members and local residents), with its own draft  Terms of Reference, to support the development of our RAP-for Council's consideration.	Strategic Plan	2.1 We recognise and respect Aboriginal culture and the descendants of our first people. We will implement a Reconciliation Action Plan.
3.	CRM Integration Enhance the use of the Customer Relationship Management system (CRM) by integrating CRM with the asset management software and the call centre software to enable more seamless management of customer enquiries and requests.	Corporate Plan Strategic Plan	23 Improve customer experience interaction by Developing CRM as the first point of call system to manage customer requests, enquiries and feedback. Customer Service Commitment
4.	Recycling/Waste Strategy Develop a strategy, for Council's review and approval, tothat considers approaches, including long term approaches, for the future disposal collection and processing of recyclables with a view to maximising environmental outcomes, reduce contamination rates and provide a cost effective kerbside recycling service. This strategy to also address mechanisms to reduce the level of contamination in recyclables collected from kerbside.	Strategic Plan	3.7 We will drive further reduction in waste consigned to landfill.
5.	Customer Experience Survey/Action Plan Undertake a customer experience survey and presentovide an action plan of identified improvement opportunities to Council Members. (As a separate exercise, staff to consider a general satisfaction survey of a random sample of residents.)	Corporate Plan  Annual Business Plan	Establish regular customer service and experience reporting, as included in the CS (Customer Experience) Action Plan. Customer Experience Survey
6.	Library Services Review Undertake a review of our library services to determine whether the needs of the community are being met and provide the outcomes of the review with recommendations to Council.	Strategic Plan	2.5 We will support opportunities for learning in our community to increase the confidence, wellbeing and health of our citizens.



# CEO PERFORMANCE TARGETS 2018-2019 Draft May 2018

7.	Arts & Heritage Hub Provide a status report to Council on the implementation of the Business Development Framework within 6 months of the appointment of the Hub's director.	Strategic Plan	2.4 We will implement the Adelaide Hills Business and Tourism Centre Masterplan to stimulate local job creation, boost tourism and create a vibrant cultural hub.
<u>8.</u>	In the current development of our asset mgt plans, use the stormwater asset class as a model for reviewing and refining community and technical service levels that drive asset maintenance plans.	Strategic Plan	3.5 We will take a proactive approach, and a long term view, to infrastructure maintenance and renewal.  Customer Service Commitment Risk and responsibility

# ADELAIDE HILLS COUNCIL CEO PERFORMANCE REVIEW PANEL MEETING Tuesday 29 May 2018 CONFIDENTIAL AGENDA BUSINESS ITEM

Item: 10.1

Originating Officer: Megan Sutherland, Executive Manager Organisational

Development

Responsible Director: Andrew Aitken, Chief Executive Officer

Subject: Appointment of Consultant to undertake the CEO

**Performance and Remuneration Review** 

For: Decision

Appointment of Consultant to undertake the CEO Performance and Remuneration Review

 Exclusion of the Public

Pursuant to section 90(2) of the *Local Government Act 1999* the Panel orders that all members of the public, except:

- Executive Manager Governance & Performance, Lachlan Miller
- Executive Manager Organisational Development, Megan Sutherland

be excluded from attendance at the meeting for Agenda Item 10.1: (Appointment of Consultant to undertake the CEO Performance and Remuneration Review) in confidence.

The Panel is satisfied that it is necessary that the public, with the exception of Council staff in attendance as specified above, be excluded to enable the Panel to consider the report at the meeting on the following grounds:

Section 90(3)(d) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is commercial information of a confidential nature (not being a trade secret) that would, on balance, be contrary to the public interest, the disclosure of which could reasonably be expected to prejudice the commercial position of the business which supplied the information and to confer a commercial advantage on a third party.

Accordingly, on this basis the principle that meetings of the Panel should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

3. Appointment of Consultant to undertake the CEO Performance and Remuneration Review – Period of Confidentiality

Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing the Panel's decision(s) in this matter in the performance of the duties and responsibilities of office, the Panel, having considered Agenda Item 10.1 in confidence under sections 90(2) and 90(3)(d) of the *Local Government Act 1999*, that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* that the report, related attachments and the minutes of the Panel and the discussion and considerations of the subject matter be retained in confidence until 7 December 2018.

Pursuant to section 91(9)(c) of the *Local Government Act 1999*, the Panel delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.