

Non-Executive Report of the: General Purposes Committee 11 December 2018	
Report of: Neville Murton, Acting Corporate Director, Resources	Classification: Unrestricted
Appointment Sub-Committee – Terms of Reference Amendments	

Originating Officer(s)	Amanda Harcus, Divisional Director, HR Matthew Mannion, Committee Services Manager
Wards affected	All Wards

Executive Summary

At its meeting on 25 June 2018, the General Purposes Committee agreed to the establishment of the Appointments Sub-Committee (and its terms of reference) for the municipal year 2018/19.

This report proposes a minor amendment to those terms of reference in order to increase the membership of the Sub-Committee from four to five to allow a wider range of Councillors to take part in the meetings. A minor change to officer roles set out in the terms is also proposed.

Recommendations:

The General Purposes Committee is recommended to:

1. Agree to increase the membership of the Appointment Sub-Committee from four to five Members.
2. Agree the updated Terms of Reference attached at Appendix 1 to the report.

1. REASONS FOR THE DECISIONS

- 1.1 To increase the number of Councillors able to sit on each Sub-Committee meeting.

2. ALTERNATIVE OPTIONS

- 2.1 It is for the General Purposes Committee to determine their desired number of members for the sub-committee. The Committee could decide to make no change to the membership or to increase the membership by more than one.

3. DETAILS OF THE REPORT

3.1 The General Purposes Committee report of 25 June 2018 sets out the reasons for the establishment of the Appointment Sub-Committee as well as its overall terms of reference.

3.2 This report is proposing an amendment to the terms of reference to increase the membership from four to five members as follows:

- ~~Three~~ Four Members of the Council nominated by the Leader of the Labour Group, at least one of whom must either be the Mayor or a member of the Executive; and
- One Member of the Council nominated by the Leader of the Opposition Group.

3.3 An amendment is also proposed in relation to officer roles to better reflect internal procedures. Under Paragraph 2 of the terms and conditions it is proposed to read:

- b) ~~The Divisional Director, Legal Divisional Director, HR or the Head of Governance and Democratic Services~~ (or their respective nominee) to liaise with the Mayor and Group Leaders to receive their nominations, in accordance with the above allocation of places, and to agree the date of the first Sub-Committee in each Chief Officer/Deputy CO appointment cycle.
- c) The Mayor and political groups are expected to assist in achieving a Sub-Committee whose overall composition is diverse in terms of gender and ethnicity wherever possible. In the event that the initial nominations do not produce such a Sub-Committee, the ~~Divisional Director Legal Divisional Director HR or the Head of Governance and Democratic Services~~ (or their respective nominee) ~~after consultation with the Divisional Director HR & Transformation~~ will discuss with the respective group leaders and the Mayor options for amending one or more of those nominations as necessary to achieve sufficient diversity.

4. EQUALITIES IMPLICATIONS

4.1 Equalities implications are an important consideration in recruitment processes but there are none in respect of this report.

5. OTHER STATUTORY IMPLICATIONS

5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.

5.2 None in respect of this report.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

6.1 This report seeks approval to increase the membership of the Appointment Sub-Committee from four to five Members.

6.2 There are no financial implications as a result of this increase in membership.

7. COMMENTS OF LEGAL SERVICES

7.1 There are no legal implications arising out of the proposal to increase the membership of the Appointment Sub-Committee or the minor change to officer roles proposed.

Linked Reports, Appendices and Background Documents

Linked Report

- Report to the General Purposes Committee 25 June 2018 establishing the Appointment Sub-Committee for the 2018/19 municipal year.

Appendices

- Appendix 1 – amended Terms of Reference for the Appointment Sub-Committee

Local Government Act, 1972 Section 100D (As amended)

List of “Background Papers” used in the preparation of this report

List any background documents not already in the public domain including officer contact information.

- None.

Officer contact details for documents:

N/A

Amended Terms of Reference for the Appointment Sub-Committee

1. It is proposed that in accordance with the Council's Constitution, the Committee establish an Appointments Sub-Committee with the following terms of reference:- "To make appointments to Chief Officer and Deputy Chief Officer posts in accordance with the Council's Constitution and the agreed Recruitment and Selection Procedures."

Membership

2. In accordance with the proportionality rules for all Council Committees, it is proposed that the following arrangements, should apply;
 - a) For a **Chief Officer** (Corporate Director level) and **Deputy Chief Officer** (Divisional Director level) appointment, the Appointments Sub-Committee shall comprise of **five Councillors** as follows:-
 - Four Members of the Council nominated by the Leader of the Labour Group, at least one of whom must either be the Mayor or a member of the Executive; and
 - One Member of the Council nominated by the Leader of the Opposition Group.
 - b) The Divisional Director, HR (or their respective nominee) to liaise with the Mayor and Group Leaders to receive their nominations, in accordance with the above allocation of places, and to agree the date of the first Sub Committee in each Chief Officer/ Deputy CO appointment cycle.
 - c) The Mayor and political groups are expected to assist in achieving a Sub-Committee whose overall composition is diverse in terms of gender and ethnicity wherever possible. In the event that the initial nominations do not produce such a Sub-Committee, the Divisional Director, HR (or their respective nominee) will discuss with the respective group leaders and the Mayor options for amending one or more of those nominations as necessary to achieve sufficient diversity.
 - d) Members can only sit on an Appointments Sub-Committee if they have received training at this Council on recruitment and selection.
 - e) The quorum for the Appointments Sub-Committee shall be at least three members.

PROCESS FOR APPOINTMENT OF CHIEF OFFICERS AND DEPUTY CHIEF OFFICERS

3. The rules governing the appointment of Chief Officers/Deputy Chief Officers are set out in the Council's Officer Employment Procedure Rules (Part 4.9 of

the Constitution), which are in turn substantially derived from statutory provisions (primarily the Local Authorities (Standing Orders) (England) Regulations 2001). In practical terms the following is an outline of the process. This may be abbreviated or some elements of the process may not be required in the case of an internal-only recruitment or interim appointment.

Advertisement and longlisting

4. The Council may use recruitment consultants to assist with senior appointments. The Divisional Director HR & Transformation will work with the recruitment consultants and the Head of Paid Service or the relevant Corporate Director to establish a timeline for the recruitment process and agree any advertisements in accordance with Council policy.
5. Following advertisement, the Divisional Director HR & Transformation, the recruitment consultants and the Head of Paid Service or relevant Corporate Director will agree a long-list of candidates and details of the process to follow this may include information visits, the use of assessment tools such as in-tray and other testing. Long-listed candidates will then undergo an assessment process.

Shortlisting and interviews

6. If necessary, the Appointments Sub-Committee may then meet to consider the results of the long-list process and the recruitment consultants' and officers' recommendations; and agree a shortlist of candidates for interview.
7. The Appointments Sub-Committee will then meet again to interview the shortlisted candidates. The officers will table suggestions for questions at the start of the meeting. References for candidates will be available for consideration but will only be considered once the ASC has decided who to appoint.

Appointment

8. If the Appointments Sub-Committee agrees on a candidate suitable for the post of Chief Officer/Deputy Chief Officer, it must inform the Mayor and each member of the Executive of its 'provisional intention to make an offer' to the preferred candidate. The Mayor and Executive members then have a two day period in which they may notify any objection to the making of the appointment. If no such objection is received within that period, a firm offer will be made. Should an objection be received the Appointments Sub-Committee would be required to reconvene to consider any objection and make a determination.

Note: Sub-Committee membership throughout the appointment process must remain the same

9. The Committee has previously agreed that the membership of the ASC must remain the same throughout the process for an appointment and there can be

no substitutions once the process has commenced for a particular appointment. A member of the ASC who ceases his/her participation after the Sub-Committee has started to meet may not be replaced. Rather the Sub-Committee would continue with a reduced number of members, subject to remaining quorate. Equally, a member of the ASC who does not participate in a stage of the process (e.g. shortlisting) may not then take part in a subsequent stage (e.g. interviews).

10. These provisions represent good recruitment practice. However, there may be occasions when their strict application could work against other aspects of best practice - for example by reducing the diversity of the Sub-Committee in terms of gender or ethnicity. In such exceptional circumstances the Divisional Director HR & Transformation may waive the requirement at 9 above in order to ensure a sufficiently diverse membership of the Sub-Committee, provided that consistency is maintained within each distinct stage of the appointment process.