

CHIEF OFFICER APPOINTMENTS COMMITTEE

A meeting of the Chief Officer Appointments Committee was held on 28 August 2019.

PRESENT: Councillors S Hill (As Substitute for Saunders), B A Hubbard, J Rathmell, D Rooney, J Rostron and M Storey

PRESENT AS OBSERVERS: Z Farrow and K Whitmore

OFFICERS: J Etherington, N Finnegan, K Parkes

APOLOGIES FOR ABSENCE Mayor A Preston, Councillor M Saunders.

DECLARATIONS OF INTERESTS

None received

19/1 ELECTION OF CHAIR PRO-TEM

Nominations were sought for the Chair pro-tem.

A nomination was received for Councillor Hubbard. No further nominations were received.

AGREED that Councillor Hubbard be appointed as Chair pro-tem for the Chief Officer Appointments Committee.

19/2 APPOINTMENT OF CHAIR

The Chair of the Chief Officer Appointments Committee, pro tem, invited nominations for the Chair of the Chief Officer Appointments Committee for the Municipal Year 2019 - 2020.

Nominations were received for Councillor Rathmell and Councillor Rostron. The vote was tied at 3 votes each. The Chair of the Committee pro-tem made the casting vote for Councillor Rathmell.

AGREED that Councillor Rathmell be elected as Chair of the Chief Officer Appointments Committee for the Municipal Year of 2019/2020.

19/3 COUNCIL PROCEDURE RULE 5

Cllr Rathmell moved that item 5 Legal Update be moved up the agenda to item 4 and that item 4 (exclusion of the press and public) be moved to item 5, seconded by Cllr Hubbard. There were no objections to the proposal and as a consequence the order of the agenda was amended.

19/4 THE RECRUITMENT PROCESS - LEGAL UPDATE

The Deputy Monitoring Officer provided a verbal report regarding concerns which had been raised by a member in relation to the process adopted for the recruitment of the Director of Legal and Governance. The Deputy Monitoring Officer informed members that the concerns were that the process adopted was contrary to legislation, the Constitution and custom and practice in that the post had been established, the job description/person specification agreed and advertised by officers. It was the assertion of this member that full Council should have been involved in all of these stages.

The Deputy Monitoring Officer advised members that he had been asked to look into the matter and was pleased to report to the committee that he did not agree with the assertions made within the complaint. The Deputy Monitoring Officer advised that under the relevant regulations, all stages of the recruitment process for a Chief Officer other than appointment could be undertaken by another Chief Officer.

It was however the case that the relevant part of the Constitution, the Officer Employment Procedure Rules, was not as clear as it could be and may have caused confusion. The Deputy Monitoring Officer was however satisfied that appropriate delegations were in place which allowed officers to undertake the preliminary stages of a Chief Officer recruitment process. The Chief Officer Appointments Committee were also informed that the Strategic Director of Finance, Governance and Support had asked the Monitoring Officer, Head of Democratic Services and Head of Human Resources to revise the Officer Employment Procedure Rules and bring them back to the Constitution and Members Development Committee.

The Deputy Monitoring Officer also advised members that this recruitment process had been undertaken in accordance with established custom and practice. In particular, the same process had been adopted for the three most recent 'newly established' posts; the Director of Business, Performance & Change, the Director of Prevention and Partnerships and the Strategic Director of Finance, Governance and Support.

The Deputy Monitoring Officer advised that he was happy to recommend that members continue with the shortlisting for the post.

A member commented that they had been a member of the committee for a number of years and had never been asked to agree a job description or a person specification.

The Chair stated that the custom and practice had been that the job description and person specification would be agreed by full council. The Deputy Monitoring Officer reiterated that this was not the case and that the Chief Officer Appointments Committee only became involved at the shortlisting stage. The only exception to this was for the post of Chief Executive. This was ostensibly because there is no Chief Officer above the Chief Executive to agree the contents of a job description or person specification.

The Chair stated that he believed that there was content missing from the job description around the Monitoring Officer role and asked if there was a standard job description for such a role. The Deputy Monitoring Officer confirmed that there is not a standard job description as the role is not a job in and of itself. The role of Monitoring Officer is a designation attached to another substantive role. The powers and the duties of the Monitoring Officer are contained within legislation and expanded upon by the Constitution.

The Chair advised that his belief was that the constitution was not clear and that the process should be halted for this to be rectified. He also queried where the delegation for officers to establish posts was located. The Deputy Monitoring Officer advised that there was a delegation to all officers of Head of Service and above to establish posts in the Officer Scheme of Delegation, subject to the provisions of the Pay Policy Statement.

The Chair also raised a concern regarding the contents of a report taken to Council on the 16 January 2019 dealing with staffing issues. The Deputy Monitoring Officer advised that the contents of that report were not relevant to the remit of the Chief Officer Appointments Committee.

The Chair stated his concern that since it was for full Council to designate an officer as the Monitoring Officer, completing this recruitment process could create a situation where the Director of Legal and Governance was in post but had not been designated as the Monitoring Officer. The Deputy Monitoring Officer agreed that this was a possibility but considered the possibility to be quite remote.

The Chair stated his desire for the Chief Executive to bring a report to Council outlining the need for the Director of Legal and Governance Post and a revised job description and person specification for their agreement. The Deputy Monitoring Officer advised that it was not within the power of the Chief Officer Appointment Committee to compel the Chief Executive to do so.

A member commented that they did not believe that members had the expertise to draft job descriptions and/or person specifications and that it was the role of officers to do so. The

Deputy Monitoring Officer confirmed that the Chief Officer Appointments Committee would not be invited to agree the job description or person specification for the Director of Legal and Governance role.

The Chair sought advice as to whether the remaining items on the agenda could be deferred. The Deputy Monitoring Officer advised that they could, though this would be contrary to his advice.

AGREED that the information provided was received and noted.

19/5 **EXCLUSION OF PRESS AND PUBLIC**

A Motion was put to defer the item. The vote was tied and the Chair used his casting vote.

It was Moved, seconded and **AGREED** that the above item be deferred.

19/6 **TO CONSIDER THE APPLICATIONS FOR THE POST OF DIRECTOR OF LEGAL AND GOVERNANCE SERVICES**

A Motion was put to defer the item. The vote was tied and the Chair used his casting vote.

It was Moved, seconded and **AGREED** that the above item be deferred.

19/7 **SUGGESTED INTERVIEW PROCESS FOR DIRECTOR OF LEGAL AND GOVERNANCE SERVICES**

A Motion was put to defer the item. The vote was tied and the Chair used his casting vote.

It was Moved, seconded and **AGREED** that the above item be deferred.

19/8 **SUGGESTIONS FOR PRESENTATION TOPIC QUESTIONS**

A Motion was put to defer the item. The vote was tied and the Chair used his casting vote.

It was Moved, seconded and **AGREED** that the above item be deferred.

19/9 **URGENT ITEM**

Cllr Rooney put forward a motion that the Chief Officer Appointments Committee be dissolved, The vote was tied and the Chair used his casting vote.

It was Moved, seconded and **AGREED** that the Chief Officer Appointments Committee be retained.