

CHIEF OFFICER APPOINTMENTS COMMITTEE

A meeting of the Chief Officer Appointments Committee was held on 9 September 2019.

PRESENT: Councillors J Rathmell (Chair for Agenda Items 1,2, and 3), S Hill (As Substitute for Saunders), B A Hubbard, Mayor A Preston (In the Chair for Items 4, 5, 6),7 and 8, D Rooney, J Rostron and M Storey

OFFICERS: B Carr, N Finnegan, T Parkinson and A M Wilson.

APOLOGIES FOR ABSENCE Councillor M Saunders.

DECLARATIONS OF INTERESTS

None Declared

19/10 MINUTES - CHIEF OFFICER APPOINTMENTS COMMITTEE - 28 AUGUST 2019

The minutes of the Chief Officer Appointments Committee meeting held on 28 August 2019 were submitted for approval.

The Chair advised that in his view the minutes did not reflect the proceedings at that meeting. He stated that Agenda items 6, 7 and 8 were not taken to a vote and that he would like the minutes amending to reflect that fact.

He advised that at the previous meeting he did move that a report be submitted to Council to agree the re-designation of the Monitoring Officer role to the new post of Director of Legal and Governance Services. In addition he advised that he had specified that the Committee should have an input on the job description and the person specification for the post in accordance with Page 123 of the Constitution. He queried whether anyone had any objections to the amendments.

A Member stated that at Agenda item 5, she recalled that a vote had been taken and the vote had been tied. In addition she had made a statement under urgent items and that had also been subject to a vote.

The Chair proposed that the Committee did not reconvene until a revised report had been submitted to Council including the right for the Committee to have an input on the job description and the person specification for the post of Director of Legal and Governance Services and the actions contained within the report had been carried out. He advised that the minutes should be amended on that basis.

The Deputy Monitoring Officer advised that a vote would need to be undertaken to agree the proposed amendments to the submitted minutes. On a vote being taken the proposed amendments to the submitted minutes were not agreed. The Deputy Monitoring Officer advised that the proposed amendments would not be made to the minutes.

The Chair advised that when he initially proposed the amendments to the minutes no objections were received. In addition, one Member of the Committee that had voted on the minutes was not present at that meeting.

The Mayor advised that he had not been able to attend the previous meeting but having spoken to officers and receiving appropriate legal advice, he did not feel comfortable agreeing to the proposed amendments to the minutes.

The Chair advised that when the amendments were moved, no objections were raised. He stated that in his view, the Committee had not complied with items 1, 2 and 3 of the Summary and Explanation of the Constitution. He stated that under the heading "*How the Council Operates*", when it referred to the Council, it stated that the Council is composed of an elected mayor and 46 councillors. On page 3 of the Summary there was a separate heading called

"*The Council's Staff*" and this referred to officers of the Council.

The Chair also referred to page 123 of the Constitution - Officer Employment Procedure Rules. He stated that the rules specified that the Council would draw up the Job Description and Person Specification for the recruitment of the Head of Paid Service, Executive Directors, Strategic Directors and Assistant Directors and Members had not had any input into the process.

The Deputy Monitoring Officer clarified that, in the case of the Officer Employment Procedure Rules, the definition of the Council in this case, was officers of the Council. The delegation in the Constitution was for the Head of Paid Service and officers to draw up the job description and the person specification. Within the Officer Employment Procedure Rules it also stated that the Council would make arrangements for the advertising of the post and this was also delegated to officers. The role of the Chief Officer Appointments Committee was to appoint to the role.

A Member pointed out that it had never been custom and practice for Members to become involved in drawing up job descriptions and person specifications as Members did not have that expertise.

The Chair advised that previously, when officers were wanting to create a new post, the proposed job description and person specification would be brought before the Committee. The Chair stated that in his view the proposed job description and person specification did not cover what the Council was looking for in a Director of Legal and Governance Services. The person specification did not make any reference to the Monitoring Officer role. In his view the job description and person specification focussed on the Director role and experience of managing a team and it had little focus on experience of the commercial aspects of the role.

A Member stated that in her view, it was correct that the creation of the job description and person specification was carried out by officers to avoid any conflicts of interests as Members should not be allowed to influence this aspect of recruitment. The job description should be submitted to the appropriate Director or Head of Paid Service for compatibility and compliance.

The Chair stated that he had concerns about the process used to create a post, as in his view, it conflicted with the Constitution. He stated that in his view, the recommendations that he had made at the previous meeting had not been carried out. He had asked for external legal advice and was advised that it was not appropriate so he had sought his own external legal advice.

A Member moved that the Committee accept the legal advice that had been given by the Deputy Monitoring Officer. This was seconded.

The Deputy Monitoring Officer advised that the advice given had always been consistent in relation to who was responsible for writing the job description and the person specification, and this, and the advertising of the post was the responsibility of officers of the Council. In relation to the previous concerns about the role of Monitoring Officer not being included in the Person Specification, this was for the Committee to determine at the interview stage of the process.

The Chair advised that he noted the comments, however he stated that he did not feel comfortable with continuing with the meeting under a flawed process. He stated that the approach to bringing job descriptions to the Committee was mixed under the previous administration.

The Chair stated that he would withdraw from the meeting as in his view, the correct process was not being followed.

The Deputy Monitoring Officer advised that she was confident, that in accordance with the Officer Employment Procedure Rules, that the correct process in respect of the job description and the person specification had been followed.

The Chair advised, that on that basis, he would withdraw from the meeting.

****At this point of the meeting, the Chair (Councillor Rathmell), Councillor Hill and Councillor Hubbard withdrew from the meeting.**

The minutes of the meeting of the Chief Officer Appointments Committee meeting held on 28 August 2019 were confirmed as a correct record of the proceedings at that meeting. The Chair believed them to be inaccurate but his view was not upheld by the majority of the committee.

A Member queried whether the Council had a duty to appoint to the post of Director of Legal and Governance Services. The Chief Executive advised that the post was required to deal with the increasing number of complex regeneration projects which were emerging under the new political administration. There was also a significant increase in work caused by the recent local elections; a significant increase in member queries; and a significant increase in the volume of childcare cases over recent years. The post was vital to the running and sustainability of the Council.

In terms of funding for the post, the post would be funded within budgets and the slight saving that had been achieved would be invested within legal services.

In terms of proceeding to the shortlisting stage, a member stated that of the remaining members, one of the members had several years' experience of human resources and recruitment, one had a background in management and legal services and one had extensive management experience.

A Member nominated the Mayor to Chair the meeting. This was seconded.

****At this point of the meeting, the Mayor assumed the role of Chair pro tem**

The Mayor sought the advice of the Deputy Monitoring Officer with regard to whether it was appropriate to continue with the shortlisting process.

The Deputy Monitoring Officer advised that the Chief Executive had outlined the reasons why the post was required and the risks to the Council if the post was not filled. The Interim Monitoring Officer had only been appointed until February 2020 and a delay in the recruitment process could be detrimental as timescales were already tight and the Council was required by law to have a Monitoring Officer in place. The Deputy Monitoring Officer advised however that it was for the Committee to decide whether they wished to proceed with the meeting.

On the basis of the advice and information provided, the Committee decided to proceed with the meeting.

19/11 **TO CONSIDER CANDIDATES FOR THE POST OF DIRECTOR OF LEGAL AND GOVERNANCE SERVICES**

In accordance with the Officer Employment Procedure Rules, the Chief Officer Appointments Committee was charged with undertaking the process for recruiting to the post of Director of Legal and Governance Services

It was agreed that the recruitment process would consist of individual interviews, presentations and informal meetings with the Corporate Management Team.

19/12 **SUGGESTED INTERVIEW PROCESS FOR DIRECTOR OF LEGAL AND GOVERNANCE SERVICES**

The interview questions were tabled at the meeting. The Committee discussed the questions and possible supplementary questions. The Head of Human Resources agreed to circulate the final list of questions to the members of the Committee.

19/13 **SUGGESTIONS FOR PRESENTATION TOPIC QUESTIONS**

The Committee agreed a specific topic for the presentation. The presentation would last for 10 minutes and the topic would be as follows:

"How would you ensure that Legal and Governance Services support the achievement of Middlesbrough's ambitious Physical and Social Regeneration priorities and that our Business Imperatives are also delivered? How would you define success in the role after 12 months?"

19/14 **URGENT ITEMS**

There were no urgent items for this meeting.