

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Employment Committee held on
Friday, 16 April 2010 at 2.00 p.m.

PRESENT: Councillor Tony Orgee – Chairman
Councillor Brian Burling – Vice-Chairman

Councillors: Richard Barrett
Liz Heazell
Richard Summerfield

Simon Edwards
Alex Riley

Officers: Patrick Adams
Susan Gardner Craig
Greg Harlock
Fiona McMillan

Senior Democratic Services Officer
Human Resources Manager
Chief Executive
Acting Legal & Democratic Services Manager
and Deputy Monitoring Officer

Councillors Sebastian Kindersley and Ray Manning were in attendance, by invitation.

4. DECLARATIONS OF INTEREST

None.

5. MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on 21 May 2009 were agreed as a correct record.

6. CONSIDERATION OF TERMS OF DELEGATION TO AND COMPOSITION OF AN EMPLOYMENT PANEL FOR THE PROCESS OF APPOINTING A CHIEF EXECUTIVE/HEAD OF PAID SERVICE

The Acting Legal and Democratic Services Manager introduced this item, by explaining that whilst the Committee had the authority to amend the terms of delegation from the Committee to the Panel, only Council could amend the operating rules of the Committee.

Minor amendments to the report

A report was circulated at the meeting. It was noted that the words “the role” should be inserted in the second sentence of paragraph 10, between the words “whether” and “should”. It was also noted that in the first recommendation the word “on” should be “out”.

Membership of the panel

The Acting Legal and Democratic Services Manager explained that when appointing an Employment Panel consideration should be given to good practice on equalities and the wording of the terms of delegation had been amended to reflect this. It was also agreed that there should be at least five Councillors on the Appointment Panel.

Membership of the Committee overseeing the process

It was agreed that ideally the Committee charged with overseeing the appointment process should include the leaders of all three political groups, however it was noted that if this was enacted the Committee would no longer be politically proportionate. It was therefore agreed that as the convenor of the Independent Group was already a member, the Constitution only needed to be amended to state that the Leader of Council and the Leader of the Major Opposition Group be appointed to the Committee. It was noted that

to be enacted this change needed the agreement of Council and until then the membership of the Employment Committee remained unchanged.

The Acting Legal and Democratic Services Manager explained that every authority had to abide by the rule that Council could only approve the appointment of a Chief Executive where no “well-founded objection has been made by any member of the Executive.”

The Committee

RECOMMENDED

- (A) That Council note the following amendments, **in bold**, made by the Employment Committee under its delegated powers to Table One – Responsibility for Council Functions of the Constitution.
- (B) To Council that the paragraph in **bold and underlined** be added to Table One – Responsibility for Council Functions of the Constitution. This is a new addition to the operating rules for the Committee and does not fall within the Committee’s powers of delegation.

Committee	Membership	Functions	Delegation of functions
Employment	<p>7 councillors including one (only) from the Executive* who shall be the portfolio holder with responsibility for staffing matter, ex officio.</p> <p>The Standing Orders Regulations require at least one member of the Executive to be on any committee when appointing or dismissing designated senior officers.</p>	<p>Disciplinary and Grievance Procedures; to consider appeals against dismissal, grading appeals (where contractual responsibilities and other contract of service matters are in issue) and grievances by employees of the Council.</p> <p>Disciplinary action against Corporate Managers other than dismissal.¹</p> <p>Appoint Corporate Managers and Legal and Democratic Services Manager².</p>	<p>Ad hoc panel of three councillors (Appeals Panel) chosen by the Chairman of the committee (or the Vice-Chairman in the absence of the Chairman) from the members of the</p> <p>Ad hoc panel of three councillors, to include the Finance and Staffing Portfolio Holder or a relevant portfolio holder and the</p>

¹ Officer Employment Procedure Rules, rule 6(b).

² Officer Employment Procedure Rules, rule 4

	<p><u>The Committee will oversee the recruitment to the roles of Chief Executive / Head of Paid Service, Executive Directors or Monitoring Officer and when carrying out this role the Committee will include the Leader and the Leader of the Major Opposition Group as ex officio members.</u></p> <p>This Committee's responsibilities will include agreeing the Job Description and Person Specification of the above posts and whether the position should be advertised externally and if</p>	<p>To be responsible for the selection of the Chief Executive / Head of Paid Service and Executive Directors / Monitoring Officer⁵ and to make recommendations to Council on their appointments</p>	<p>remaining members chosen from members of the committee by the Chairman of the committee, or the Vice-Chairman in the absence of the Chairman. So far as circumstances allow, the Chairman shall ensure the panel membership complies with Council policy and good practice on equalities and involve relevant group(s) of members in the selection process.</p> <p>Ad hoc panel of at least five councillors, comprising three Members of the Employment Committee chosen by the Chairman of the Committee (or the Vice-Chairman in the absence of the Chairman) along with the</p>
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³ Section 4 of the Local Government and Housing Act 1989.

⁴ Local Authority (Standing Orders) Regulations 2001 Schedule 1 Part 2

⁵ Officer Employment Procedure Rules, rule 3(a)

⁶ Officer Employment Procedure Rules, rules 3(a), 4(a) and 6(a), ibid

	<p>so how it should be advertised and who should run the external recruitment process.</p> <p>If necessary the Committee will need to consider the appointment of a temporary Chief Executive / Head of Paid Service until such time as the recruitment is completed³.</p> <p>These steps should be taken before an Employment Panel is appointed to manage the selection process and appropriate reports made to Council if considered necessary at this stage.</p> <p>The Committee must make a recommendation to Council on the appointment of a “proper officer” to act as the liaison point for notification between the candidates for appointment and the Employment Panel, the Council and the Cabinet⁴.</p> <p>Only members who have undertaken recruitment and selection training are eligible to be appointed to a Panel of the Employment Committee</p>	<p>Suspend Head of Paid Service, Executive Director, Monitoring Officer, Chief Finance Officer and / or Corporate Managers and /or Principal Solicitor and / or recommend to Council dismissal of these officers.⁶</p>	<p>Leader of Council and the relevant portfolio holder for staffing. So far as circumstances allow, the Chairman shall ensure the panel membership complies with Council policy and good practice on equalities and involve the Cabinet and other relevant group(s) of members in the selection process.</p> <p>The Chairman of the Committee (suspension only) otherwise as above.</p>
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- (C) That Full Council should note that an Employment Panel with the responsibility for carrying out the recruitment process for a Chief Executive / Head of Paid Service (as set out in amended Table One) will be appointed immediately after the appointment of the Employment Committee at Annual Council on 27 May

2010.

7. CONSIDERATION OF ADVANTAGES AND DISADVANTAGES OF APPOINTING A SHARED CHIEF EXECUTIVE

The Chief Executive presented this item by detailing the various advantages and disadvantages to appointing a shared Chief Executive.

Capacity

Doubts were expressed on whether a shared Chief Executive would have the capacity to carry out the work, which was currently the responsibility of a full-time post. It was noted that Senior Management Team had recently increased from two to three members in response to a capacity issue.

Cost savings

The amount of cost savings under a shared service arrangement was queried, as it was asserted that some form of cover arrangements would be required.

Partnership working

Concerns were expressed regarding the possibility of the Council becoming a junior partner by sharing a Chief Executive with a larger authority. It was suggested that sharing a Chief Executive made sense as a first-step towards the establishment of a Unitary Authority. It was noted that a change in political leadership at one authority could have a detrimental effect on a shared arrangement.

It was suggested that a shared Chief Executive should only be considered if there were two vacancies at two similar sized neighbouring authorities at the same time.

The Committee unanimously

REJECTED the option of appointing a Shared Chief Executive.

8. JOB DESCRIPTION, PERSON SPECIFICATION AND TERMS AND CONDITIONS OF APPOINTMENT

The Chief Executive introduced this item explaining that the terms and conditions of the post were reviewed in 2006 and these had been circulated to the Committee prior to the meeting. It was noted that many of the responsibilities were generic.

Minor amendment to the report

It was agreed that paragraph 1 on page 21 needed to be amended to read "... over all other officers".

Equality issues

It was suggested that insisting on the ability to attend civic events and meetings outside normal office hours could be discriminatory. It was agreed that it would be inappropriate to make the ability to drive an essential requirement.

Notice period

It was understood that the notice period had been changed from three months to six months for the current post holder. Whilst it was recognised that a six month notice period gave the Council more time to find a replacement, it was agreed that a three months period should be agreed to ensure that the Council could remove a post holder whose performance was unsatisfactory in a shorter timeframe.

Membership fees of professional bodies

It was noted that the Council had decided not to pay officers' membership fees of professional bodies and so it was agreed that reference to these fees should not be included in the Chief Executive's Terms and Conditions of Appointment.

Pay scale

It was noted the post's pay had increased by 10% from July 2006 due to changes in the Senior Management Team (SMT) structure. It was noted that the current post holder had offered to take a 10% cut in pay when the SMT structure had changed again and the Section 151 duties had been removed from the post. This offer had been declined.

The suggestion that the pay be reduced by 10%, as arguably the reason for its increase no longer applied, was rejected as this would mean a Chief Executive on the bottom of the pay scale would be paid less than an Executive Director on the top of his or her scale. It was noted that this principle complied with the proposed new job evaluation scheme.

It was noted that Chief Executive's pay varied greatly in local authorities throughout the County, making comparisons difficult. The possibility of offering to pay more than the agreed pay scale to secure an exceptional candidate was rejected, as it could encourage unrealistic expectations.

Returning Officer duties

It was noted that the payments to the Council's Returning Officer varied depending on the elections, but averaged approximately £10,000 a year. The Chief Executive currently carried out these duties and it was agreed that this practice should continue.

Performance related pay

After a brief discussion it was agreed to reject having performance related pay for the Post as this was deemed unsuitable for the public sector and had been removed from the Council in 2004. It was agreed that the post holder should be appraised by a panel of members against a pre-agreed set of objectives.

It was agreed that no lease car should be offered as part of the Chief Executive's post.

Relocation allowance

The HR Manager reported that the £7,000 allowance was usually sufficient to cover relocation costs. It was noted that this would be a one-off cost and this allowance was agreed by the Committee.

The Committee unanimously

AGREED that

- (A) The Salary Range should be £105,000 to £120,000 (excluding election fees which average approximately £10,000 per annum).
- (B) No lease car should be offered with the post.
- (C) The notice period should be three months.
- (D) The relocation package of up to a maximum of £7,000 should remain.
- (E) The Chief Executive will continue to be the Proper Officer for Elections.

9. CONSIDERATION OF WHETHER THE POST SHOULD BE RESTRICTED TO INTERNAL APPLICANTS

The Chairman introduced this item, which invited the Committee in the first instance to consider restricting the post to internal candidates.

The Committee

AGREED that the post should not be restricted to internal applicants.

10. MANAGEMENT OF APPOINTMENT PROCESS

At the request of the Chairman, the HR Manager was not present for this item. The Chief Executive presented this report, which invited the Committee to consider whether external consultants should be appointed to assist in the recruitment of the Chief Executive, and if so the level of that involvement.

Members of the Committee made the following points:

- The Council had the skills within its HR department to manage the appointment process internally.
- Whilst managing the appointment process internally would be the cheaper option, there would be resource implications in terms of advertising and officer time.
- The Council had to advertise the post of Executive Director several times before appointing.
- External consultants had been used to appoint the current post holder's predecessor.
- Appointing external consultants was the best way to ensure a suitably qualified candidate.
- If there were any internal applicants it would be fairer to all candidates to appoint external consultants
- External consultants would be responsible for sensitive issues such as feedback to unsuccessful candidates, which had possible legal implications if mishandled.

The Chief Executive explained that the Council had the skills to manage the appointment process internally, although if psychometric testing were required this would have to be contracted out.

Councillor Alex Riley proposed and Councillor Liz Heazell seconded that external recruitment advisers be appointed to support elected members with advertising, candidate management, assessment and interview panel support. A vote was taken and with 6 votes in favour and 1 against, the Committee

AGREED That the recruitment process be managed by external recruitment consultants appointed to support elected members with advertising, candidate management, assessment and interview panel support.

The Committee

RECOMMENDED That Council approve a supplementary estimate of up to £50,000 for the purposes of appointing external recruitment consultants to support the Employment Committee and its Panel with the process of recruiting a Chief Executive/Head of Paid Service

(including advertising, candidate management, assessment and interview panel support).

Councillor Riley proposed and Councillor Liz Heazell seconded that delegated authority be given to the Chief Executive and the Chairman, in consultation with the HR Manager, to appoint the consultants. A vote was taken and the Committee unanimously

AGREED That the responsibility for the appointment of the recruitment consultants be delegated to the Chairman and the Chief Executive, in consultation with the HR Manager.

The Committee unanimously

AGREED That the HR Manager should be appointed as the “proper officer” to act as the liaison point for notification between the candidates for appointment, the Employment Panel, Full Council and the Cabinet.

11. DATE OF NEXT MEETING

It was agreed that the next meeting would be held on 11 May at 3pm.

The Chairman thanked Councillor Richard Summerfield for all his work on the Employment Committee, as he was retiring at the next election.

The Meeting ended at 4.40 p.m.
