

Harborough District Council



Report to Council Meeting of 24th July 2023

Title:	Establishment of a Member Appointments Panel for the recruitment of Statutory Officers
Status:	Public
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Lead Councillor:	Leader of the Council – Cllr Knowles
Appendices:	Appendix A – Member Appointment Panel terms of reference Appendix B – Job Description and Person Specification for the role of Chief Executive

Summary

- i. The Council's constitution contains Officer Employment Procedure Rules at Part 4, Section 8, which set out the processes by which senior officers will be appointed to, and dismissed by, the Council.
- ii. Following the retirement of the last substantive Chief Executive in February 2022, and the resignation of the Director of Law and Governance, the Council appointed the Deputy Chief Executive to the role of interim Chief Executive and has relied upon locum appointments to the role of Interim Director of Law and Governance. These temporary appointments have been periodically extended while the Council explored the potential appointment of a shared Chief Executive. The process to recruit a permanent Chief Executive is now underway and it is anticipated that the process to recruit to the role of senior legal adviser to the Council will commence in due course.
- iii. The Chief Executive of the Council is designated as the Head of Paid Service in accordance with section 4 of the Local Government and Housing Act 1989, while the Director of Law and Governance is designated as the Monitoring Officer in accordance with section 5 of the Local Government and Housing Act 1989. These statutory roles are personal in nature and the designation of them is reserved to Council.
- iv. The selection of a suitable candidate for a Statutory Officer appointment is delegated to a Members Appointment Panel in accordance with Paragraph 4 of the Officer Employment Procedure Rules. However, the appointment of a Statutory Officer can only be made by a meeting of full Council. In preparation for the selection of a suitable candidates for the vacant Statutory Officer posts, it is necessary for a Member Appointment Panel to be appointed by Council.
- v. The Member Appointment Panel must consist of 3 members and be politically balanced in accordance with the proportionality rules set out in the Local Government and Housing

Act 1989. At least one member of the Panel shall be a member of the Cabinet in accordance with Part 4(8) of the Constitution.

- vi. The proposed terms of reference for the Member Appointment Panel are attached as Appendix A to this report.

Recommendations

It is recommended that Council:

1. Appoint a Member Appointment Panel in accordance with the Officer Employment Procedure Rules with the Terms of Reference set out at Appendix A;
2. Nominate the following members to the Member Appointment Panel:
 - a. Councillor Knowles; and
 - b. Either Councillor Woodiwiss or Councillor Beadle (one to be a member of the panel, the other to act as the Harborough Coalition Group nominated substitute); and
 - c. Councillor Bateman (substituted by Councillor Whelband as necessary)
3. Note the Person Specification and Job Description for the Chief Executive role as set out at Appendix B;

Reasons for Recommendations

- vii. The Officer Employment Procedure Rules require that a Member Appointment Panel is appointed as part of the process of recruiting chief officers and specifies the conditions of appointment to that panel.
- viii. Council should review the job description and person specification for chief officer roles being recruited to.

1. Purpose of Report

- 1.1 In accordance with the Officer Employment Procedure Rules contained in Part 4, Section 8 of the Constitution, the selection of a candidate to be appointed a Statutory Officer post is delegated to an appointments panel of members. Therefore, in order to recruit to these posts, a panel of members needs to be appointed by Council.

2. Background

- 2.1 The Council's constitution contains Officer Employment Procedure Rules at Part 4, Section 8, which set out the processes by which senior officers will be appointed to, and dismissed by, the Council.
- 2.2 The vacant substantive posts of Chief Executive and Director of Law and Governance have been filled on an interim basis while the Council explored potential options open to it to achieve efficiencies and improve resilience in the corporate management team of the Council.
- 2.3 A report was presented to Council on 19 December 2022 proposing a strategic partnership between Harborough District Council and Melton Borough Council which included proposals to share a Chief Executive and a Monitoring Officer. This proposal was rejected therefore the Council retains its existing management structure. On 27 February 2023 Council extended the interim arrangements until 31 December 2023 to allow the new administration, following local government elections in May 2023, to contribute to the recruitment process.
- 2.4 After consultation with the Leader, a recruitment campaign for a permanent single Chief Executive for Harborough District Council was launched in June 2023. The Council is supported by a recruitment consultant.

3. Details

- 3.1 Following the retirement of the substantive Chief Executive in February 2022, and the resignation of the Director of Law and Governance, the Council appointed the Deputy Chief Executive to the role of interim Chief Executive and has relied upon locum appointments to the role of Interim Director of Law and Governance. These temporary appointments have been periodically extended while the Council explored the potential appointment of shared senior officers with Melton Borough Council.
- 3.2 Following local government elections in May 2023, the Interim Chief Executive has consulted with the Leader of the Council in respect of the recruitment to the substantive vacant posts. The Leader approved the role profile for the recruitment and the engagement of a specialist recruitment consultant to support the Council in this important recruitment process. The recruitment launched in June 2023 and is anticipated to close on 23 July 2023. All members were emailed a copy of the advert and a link to the recruitment webpage on 21 June 2023, from which the job description and person specification (set out at Appendix B) could be accessed.

Member Appointment Panel

- 3.3 The Council is required to appoint a number of statutory officers, as confirmed in its constitution at Article 12. The Council has designated the role of Chief Executive of the Council as the Head of Paid Service in accordance with section 4 of the Local Government and Housing Act 1989, while the Director of Law and Governance is

designated as the Monitoring Officer in accordance with section 5 of the Local Government and Housing Act 1989. These statutory roles are personal in nature and the designation of them is reserved to Council.

- 3.4 The Constitution also delegates the selection of a suitable candidate for a Statutory Officer appointment to a Members Appointment Panel by virtue of Paragraph 4 of the Officer Employment Procedure Rules. However, the appointment of a Chief officer can only be made by a meeting of full Council. In preparation for the selection of a suitable candidate for the vacant Statutory Officer posts, it is necessary for a Member Appointment Panel to be appointed by Council.
- 3.5 The Member Appointment Panel must consist of 3 members and be politically balanced in accordance with the proportionality rules set out in the Local Government and Housing Act 1989. At least one member of the Panel must be a member of the Cabinet in accordance with Part 4(8) of the Constitution.
- 3.6 The proposed terms of reference for the Member Appointment Panel are attached as Appendix A to this report.

Process

- 3.7 The advertisement for the recruitment to the permanent Chief Executive vacant post commenced in June 2023 and is intended to close on 23 July 2023, provided there are sufficient suitable applicants. The recruitment consultant will undertake long list interviews in August 2023 with a view to selecting appropriate candidates for interview by the Member Appointment Panel on 7 – 8 September 2023. This will allow the Member Appointment Panel to propose a candidate for appointment to the meeting of full Council on 24 September 2023.
- 3.8 It is the responsibility of full Council, as set out in the Officer Employment Procedure Rules, to decide whether to appoint the candidate proposed by the Member Appointment Panel to the role of Chief Executive and Head of Paid Service - no offer of employment can be made to the proposed candidate until this decision is made.
- 3.9 Once Council has confirmed the appointment of a suitable candidate, an offer of employment can be made and the Council will agree the date for the appointment to commence.
- 3.10 The current interim arrangements for the Chief Executive and the Monitoring Officer are due to end on the 31 December and 22 December 2023 respectively. However, the interim arrangements would be brought to an earlier finish in the event that a successful candidate can commence employment with the Council in advance of these dates.

Restructure of corporate management team

- 3.11 Members will recall that the Council's budget for the senior officer posts was adjusted in expectation of the Council entering into shared chief officer arrangements.
- 3.12 The Interim Chief Executive, in her role as Head of Paid Service, has been considering the existing structure of the corporate management team and will undertake a review of the same in the near future to address the changing needs of the Council in light of the

current financial climate and the leadership needs of the organisation. These proposals will be finalised once a Chief Executive is confirmed by Council, to allow the new Chief Executive to have input to the same and ensure that recruitment proceeds rapidly thereafter.

- 3.13 As with the recruitment of the Chief Executive, the Member Appointment Panel will be required to select an appropriate candidate for the role of Monitoring Officer, and Council will be required to confirm the offer of employment should be made to the selected candidate. Further details will be provided once the Monitoring Officer recruitment timetable is confirmed.

4. Implications of Decisions

Corporate Priorities

- 4.1. The Council is committed to delivering its corporate priorities as set out in its corporate plan. Providing the information contained within this report gives assurance that the Council continues to work to deliver these priorities. The Chief Executive is pivotal in delivering the Corporate plan and achieving corporate priorities.

Consultation

- 4.2. The group leaders have been consulted and have nominated the individuals identified in this report as members of the Member Appointment Panel.
- 4.3. Unison have also been consulted with regard to the recruitment of the Chief Executive and Monitoring Officer recruitment.
- 4.4. The Interim Chief Executive and Interim Director of Law and Governance have both been consulted in respect of the content of this report, as has the Council's Corporate Management Team generally. No further consultation is required.

Financial

- 4.5. Council approved a budget in February 2022 which included savings in the region of £380,000 in management costs which were intended to be delivered by restructuring the senior management team and potentially utilising shared senior officer posts. This was not reversed in the budget approved by Council on 27 February 2023.
- 4.6. To accommodate the retention of the existing management arrangements, it will be necessary for an adjustment to be made to the current budget of the Council. In the event that a suitable candidate for the role of Chief Executive is not identified via the recruitment process, additional financial costs will be incurred through the re-running of the recruitment process and additional interim costs.
- 4.7. The review of the Corporate Management Team being undertaken by the Interim Chief Executive will ensure an appropriate and sustainable management structure is implemented.

Legal

- 4.8. The appointment of Statutory Officers is the responsibility of full Council, with the selection of suitable candidates delegated to the Member Appointment Panel in accordance with paragraph 4 of Part 4, Section 8 of the Constitution.
- 4.9. The extension of the current interim arrangements included provision for those arrangements to be concluded earlier in the event that a successful candidate can commence employment before the expiry of the interim arrangements.
- 4.10. This report ensures that the Council is meeting its legal obligations in respect of the recruitment of Chief Officers.

Environment Implications

- 4.11. Nothing within this report is anticipated to impact upon the Council's commitment to achieving net zero carbon.

Risk Management

- 4.12. Members nominated to attend the Chief Officer Appointments Panel have a mandatory requirement to complete Recruitment & Selection training prior to interviews taking place to ensure they are aware of the recruitment requirements.
- 4.13. The current interim arrangements for the Chief Executive and Monitoring Officer are due to end in December 2023 as previously approved by Council on 27 February 2023.
- 4.14. Failure to appoint to the permanent posts would result in extending the interim arrangements to cover the vacant posts as the Council is obliged to designate suitably qualified statutory officers.
- 4.15. Engaging interim senior professionals is costly, lacks certainty and can also be unsettling for officers employed at the Council.

Equalities Impact

- 4.16. The Council has a statutory duty to consider and demonstrate equalities impact in all of its activities. The Member Appointment Panel nominees will receive training on recruitment and selection which will address equalities.

Data Protection

- 4.17. This report contains no private information.

5. Alternative Options Considered

- 5.1. The Council has previously considered and rejected alternative proposals for the recruitment of a Shared Chief Executive. The Council is required to ensure that it has in place suitable and effective management arrangements, and has confirmed that it considers this to be best discharged by a whole time employed chief executive. There are therefore no other options open to the Council other than to appoint a Member Appointment Panel and progress the recruitment to the Chief Executive role as set out in the Officer Employment Procedure Rules. Failing to designate a member appointments

panel for the recruitment of chief officer posts will expose the Council to further interim arrangement costs and prolong instability in the corporate management team.

6. Recommendation

It is recommended that Council:

1. Appoint a Member Appointment Panel in accordance with the Officer Employment Procedure Rules with the Terms of Reference set out at Appendix A;
2. Nominate the following members to the Member Appointment Panel:
 - a. Councillor Knowles; and
 - b. Either Councillor Woodiwiss or Councillor Beadle (one to be a member of the panel, the other to act as ~~the~~ the Harborough Coalition Group nominated substitute); and
 - c. Councillor Bateman (substituted by Councillor Whelband as necessary)
3. Note the Person Specification and Job Description for the Chief Executive role as set out at Appendix B;

7. Background papers

- 7.1. None

