

## BROMSGROVE DISTRICT COUNCIL

# Council

17<sup>th</sup> July 2024

### Establishment of a Joint Appointments Committee

Relevant Portfolio Holder	Councillor Karen May
Portfolio Holder Consulted	Yes / No
Relevant Head of Service	Claire Felton
Report Authors	Job Title: Head of Legal, Democratic and Property Services Contact email: <a href="mailto:c.felton@bromsgroveandredditch.gov.uk">c.felton@bromsgroveandredditch.gov.uk</a> Contact Tel: 01527 64252  Job Title: Human Resources and Organisational Development Manager Contact email: <a href="mailto:becky.talbot@bromsgroveandredditch.gov.uk">becky.talbot@bromsgroveandredditch.gov.uk</a>
Wards Affected	N/A
Ward Councillor(s) consulted	N/A
Relevant Strategic Purpose(s)	An effective and sustainable Council
Key Decision / Non-Key Decision:	This is a non-key decision
If you have any questions about this report, please contact the report author in advance of the meeting.	

#### 1. RECOMMENDATIONS

That the Council RESOLVE that:-

- 1.1 A Joint Appointments Committee (JAC) be established, to replace the current Appointments Committee, for Bromsgrove District Council (BDC) with Redditch Borough Council (RBC) of 10 Councillors (5 from each authority, which must include both Leaders) with terms of reference as detailed in Appendix 1.
- 1.2 The Joint Appointments Committee is directed to appoint a subcommittee of 6 members (3 from each authority), which will form the final interview panel for the appointment of the Head of Paid Service and S151 Officer and make recommendations to the JAC.
- 1.3 To appoint 5 members from Bromsgrove District Council to the JAC in accordance with para 2.2 of the report.
- 1.4 To authorise the Monitoring Officer to update the Constitution, including any consequential amendments required as a result of the above.

**1.5 To approve a 1.31% increase to the top increment of the Head of Paid Service grade.**

**1.6 To approve a revised Pay Policy to include changes to Head of Paid Service grade and the introduction of a new grade between top of NJC Grade and Hay Grades.**

**2. BACKGROUND**

2.1 This report details the governance proposals for the appointment of the Statutory Officers.

2.2 The terms of reference for the JAC are set out at Appendix 1. Its sole purpose is to enable Councillors from both authorities to have engagement in any recruitment roles of Statutory Officers. The JAC, which must be politically balanced, would comprise of 10 members, with 5 members being appointed by each Council. If Council approves the recommendations, it will also be asked to appoint its members.

2.3 The JAC would be established pursuant to the powers contained in sections 101 and 102 of the Local Government Act 1972.

2.4 It should be noted that the appointment of the Chairman for the JAC and its sub-committee will be chaired alternately between Members of the respective Councils and the Chairmanship will only last until the next meeting of that Committee/sub-committee.

2.5 In order to ensure that both BDC & RBC can contribute to the appointment process and ultimately recommend the most suitable candidate a Joint Appointments Committee will have to be established.

2.6 It is proposed that the JAC will consist of the Leaders of each and 4 other members from each authority.

2.7 The final interview will be a separate meeting of the Joint Appointments Sub-Committee. The membership of the Joint Appointments Sub-Committee will be determined by the JAC and consist of the Leaders of each authority where possible.

**3. OPERATIONAL ISSUES**

3.1 Following the announcement that the former Chief Executive, Mr Kevin Dicks, would be retiring in September 2023, a report was considered by Bromsgrove District Council as employing authority under the Shared Services Arrangements. As recommended, Members agreed at their meeting on 19<sup>th</sup> July 2023 that on the retirement of Mr Dicks, Mrs Susan Hanley be appointed as the Council's Head of Paid Service, Returning

Officer and Electoral Registration Officer. This was to be taken on an interim basis until such time as a new Chief Executive and Head of Paid Service could be recruited and appointed.

- 3.2 A recruitment exercise was undertaken for both the post of Chief Executive and Section 151 Officer, but the recruitment process resulted in the Council not being able to recruit on this occasion.
- 3.3 On 6<sup>th</sup> December 2023 the Council resolved that Susan Hanley continue to be appointed as the Interim Head of Paid Service for Bromsgrove until 30<sup>th</sup> November 2024, or if the date is later, until such time as a new permanent Head of Paid Service has commenced employment with the Council. Peter Carpenter was appointed as Interim Deputy Chief Executive and Interim Executive Director of Resources (S151 Officer) on a fixed term basis until 30<sup>th</sup> November 2024. Claire Felton, Head of Legal, Democratic and Property Services, was appointed as the Returning Officer and Electoral Registration Officer for Bromsgrove District Council.
- 3.4 A further recruitment process for the two senior officers is underway.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 The salary for the Chief Executive is currently £142,663-£148,485. In addition, a 1.31% increase to the top of the grade is proposed with revised salary points of £142,251, £142,251 and £150,000. The costs are covered 50:50 between Bromsgrove District Council and Redditch Borough Council.
- 4.2 Increasing the bottom of the Chief Executive grade was also assessed but as this links to all management grades there would be a knock-on impact on employee budgets of £70-80,000.

#### **5. LEGAL IMPLICATIONS**

- 5.1 Local Authorities have powers to create a joint committee pursuant to S101 and 102 of the Local Government Acts 1972 and all other relevant legal powers.
- 5.2 Joint non-executive committees are subject to the political proportionality requirements imposed by the Local Government and the Housing Act 1989.
- 5.3 It is a legal requirement that the appointment of the Head of Paid Service and statutory officers is made by full Council. This is set on in the relevant regulations (The Local Authorities) Standing Orders Regulations 2001 (as amended) Schedule 1 Part II which are

reproduced in the Officer Employment Rules at Part 17 of the Constitution.

- 5.4 The Council is required to nominate an officer under section 151 of the Local Government Act 1972 to be responsible for the proper administration of its financial affairs. The relevant wording states:- 'without prejudice to section 111 above, every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs'.
- 5.5 Section 6 of the Local Government and Housing Act 1989 further sets out that (1) on and after the commencement day the Common Council shall (a) make arrangements for the proper administration of such of its financial affairs as relate to it in its capacity as a local authority, police authority, or port health authority and (b) secure that one of its officers has responsibility for the administration of those affairs'.
- 5.6 Section 113 of the Local Government Finance Act 1988 requires that the officer appointed as the Chief Finance Officer (CFO) must be a member of a specified accountancy body.

## **6. OTHER - IMPLICATIONS**

### **Relevant Strategic Purpose**

- 6.1 Effective financial management underpins all the Council's operations and achievement of strategic purposes.
- 6.2 The appointment of a Head of Paid Service and S151 Officer will ensure there is stability and continuity.
- 6.3 This continuity and stability will assist the Council in terms of being an effective and sustainable authority moving forward.

### **Climate Change Implications**

- 6.4 There are no specific climate change implications.

### **Equalities and Diversity Implications**

- 6.5 The report is about joint decision making for the appointment of statutory officers and therefore does not directly impact on any protected characteristics. There are no known equalities implications arising from the options outlined in this report.

**7. RISK MANAGEMENT**

7.1 These proposals seek to reduce risk for each Council by the provision of a single decision-making process to enable a consistent and co-ordinated approach to the appointment of statutory officers.

7.2 Failure to recruit to the Head of Paid Service position could lead to:-

- A deterioration in ensuring the Council's priorities are clear and translated into effective service delivery.
- A gap in leadership and direction to staff and positioning each organisation to meet current and future challenges.
- A diminution of the Council's corporate statutory and policy direction alongside the desired organisational culture.

7.3 Failure to recruit to the Section 151/Deputy Chief Executive position could lead to:-

- A failure to comply with the legal requirement for the Council to have a Section 151 Officer in place after expiry of the fixed term arrangements beyond 30<sup>th</sup> November 2024.
- A failure to maintain the financial health and integrity of both councils.
- Potential adverse findings from external audit and inspection bodies.

7.4 Both the roles of Head of Paid Service and Section 151 officers are pivotal roles to ensure the Council operates effectively in accordance with legal and regulatory requirements. Failure to do so could have far reaching consequences on the Council's governance, operational, financial and reputational risks.

**8. APPENDICES and BACKGROUND PAPERS**

Appendix 1: Joint Appointments Committee – terms of reference

Appendix 2: Pay Structure Amendment Report

Appendix 3: Pay Policy - Updated