

## BROMSGROVE DISTRICT COUNCIL

**Council**  
2024

9th October

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### **JOINT APPOINTMENTS COMMITTEE**

Relevant Portfolio Holder	Councillor Karen May
Portfolio Holder Consulted	Yes
Relevant Assistant Director	Claire Felton
Report Author  Claire Felton	Job Title: Assistant Director 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
Wards Affected	All
Ward Councillor(s) consulted	N/A
Relevant Council Priority	Sustainability
Non-Key Decision	
If you have any questions about this report, please contact the report author in advance of the meeting.	

#### **1. RECOMMENDATIONS**

**Council is asked to RESOLVE:-**

- 1. That the Joint Appointments Committee (JAC) has a standing sub-committee to deal with disciplinary matters on its behalf, which will replace the current Statutory Officers Disciplinary Panel.**
- 2. That responsibility for the functions carried out by the Appeals Panel and the Statutory Officers Disciplinary Committee be transferred to the JAC and its sub-committee(s).**
- 3. That the Committee Terms of Reference (Part 5 of the constitution) be updated to reflect the creation of the JAC and the transfer to it of the functions currently carried out by the Appeals Panel, and the Statutory Officers Disciplinary Panel as set out at Appendix A.**
- 4. To authorise the Monitoring Officer to update the Constitution, including any consequential amendments required as a result of the above.**

#### **2. BACKGROUND**

- 2.1 At Full Council on 17<sup>th</sup> July 2024 Members approved the creation of a Joint Appointments Committee ("JAC"). This committee will operate as a joint committee with Redditch Borough Council pursuant to sections 101 and 102 of the Local Government Act 1972 and carry out the functions of appointing the Chief Executive/ Head of Paid Service. The**

JAC will also carry out other employment related functions relating to Joint Statutory Officers.

- 2.2 Since the meeting on 17<sup>th</sup> July officers have continued to work on the establishment of the JAC and considered in more detail how the committee can be set up to cover the full range of employment issues that are relevant to jointly employed statutory officers.
- 2.3 This has resulted in some additional matters being transferred to the committee which were not detailed in the previous report. To ensure that Members are fully aware of the proposed structure and operation of the JAC more detail of these changes are set out in section 3.
- 2.4 Following consultation with Group Leaders Part 5 of the Constitution (Committee Terms of Reference) has been updated to reflect the changes referred to in this report and the previous report dated 17<sup>th</sup> July. A copy of the final version of the Terms of Reference is attached at Appendix A.
- 2.5 The Monitoring Officer is requesting a delegation to finalise the wording of the full committee reference terms for the JAC. This document will include the mandatory wording relating to employment of statutory officers as required under Local Authorities (Standing Orders) Regulations 2001 (as amended) Schedule I Part II and will replace the existing Officer Procedure Rules at Part 17 of the Constitution.

### **3. OPERATIONAL ISSUES**

- 3.1 Members will be aware from the previous report that there are detailed statutory provisions all councils must comply with regarding the employment of statutory officers.
- 3.2 Prior to the creation of the JAC council functions in relation to appointment and dismissal of Joint Statutory Officers were shared between the Appointment Committee, the Appeals Panel and the Statutory Officers Disciplinary Panel.
- 3.3 Under the new arrangements responsibility for these three areas passes to the JAC, and as a consequence the Appeals Panel, Appointments Committee and Statutory Officers Disciplinary Panel will no longer be required.
- 3.4 The JAC will exercise the function of recruiting to posts including Head of Paid Service/ Chief Executive and Section 151 officer and monitoring officers, with the final decision to be made by Full Council.

- 3.5 The disciplinary and dismissal functions which currently sit with the Statutory Officers Disciplinary Panel will be carried out by a standing sub-committee of the JAC. This will continue to be called the Statutory Officers Disciplinary Panel and include Members from both Councils operating as a panel taken from the main committee membership. The JAC terms of reference will also ensure that the Council can comply with other statutory requirements which may arise in relation to employment of Joint Statutory Officers from time to time including convening an Appeal Panel and the ability to appoint Independent Persons.
- 3.6 As already resolved by Members on 17<sup>th</sup> July, for the purposes of the current recruitment process for the posts of Head of Paid Service and section 151 officer, the JAC will appoint an ad hoc sub-committee of 6 members ( three from each Council) to form the final interview panel and make recommendation to the JAC.

**4. FINANCIAL IMPLICATIONS**

- 4.1 There are no direct financial implications arising from this report.

**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 The mandatory provisions to be incorporated in Council constitutions are the Local Authorities (Standing Orders) Regulations 2001 (as amended) Schedule I Part II. These provisions are reproduced in the JAC Terms of Reference.

**6. OTHER - IMPLICATIONS**

**Relevant Council Priority**

- 6.1 Effective financial management underpins all the Council's operations and achievement of the Council priorities.
- 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 a sustainable authority moving forward.

**Climate Change Implications**

- 6.4 There are no specific climate change implications.

**Equalities and Diversity Implications**

- 6.5 This 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 30th 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**

**Appendices**

Appendix A - Updated Committee Terms of Reference for the Joint Appointments Committee.

**Background Papers**

Report to Council - Establishment of Joint Appointment Committee dated 17<sup>th</sup> July 2024