

### Minutes of a meeting of the Joint Scrutiny Committee of Broadland District Council and South Norfolk District Council held at South Norfolk House, Long Stratton on 31 January 2019 at 10.00am

**Committee Members Present:** Councillors: G Minshull (Chairman), D Harrison, A Adams, B Bernard, L Dale, J Emsell, C Gould, G Nurden, K Vincent, D Ward and J Wilby

**Cabinet Members in Attendance:** Councillors: M Edney and G Peck

**Other Members in Attendance:** Councillors: D Bills and V Thomson

**Officers in Attendance:** The Managing Director (T Holden), the Head of Business Transformation-SNC (H Ralph), the Head of Governance and Monitoring Officer-SNC (E Hodds), the Head of Democratic Services and Monitoring Officer-BDC (M Thrower), the H R Business Partner-SNC (S Bremner), the BDC/SNC Collaborative Working Programme Manager (A Mewes), the Senior Governance Officer (E Goddard) and the Democratic Services Officer (S Elliott)

#### 1 DECLARATIONS OF INTEREST

The Democratic Services Officer declared an interest on behalf of all senior officers present, with regard to Item 4 on the agenda, the Senior Management Recruitment and Appointment Arrangements.

#### 2 SENIOR MANAGEMENT RECRUITMENT AND APPOINTMENT ARRANGEMENTS

The Managing Director provided members with a brief overview of his report, reminding the Committee that both Councils had agreed, through the feasibility report, to the establishment of a joint senior management team and one joint officer team. He explained that the draft senior structure had been agreed at both Council meetings but that the decision on how the appointment panel would operate had been deferred until further discussion had taken place through the Joint Lead Members' Group, the Joint Scrutiny Committee, both Cabinets and both Councils. Members were advised that the Joint Lead Members' Group had considered the report earlier in the week and had confirmed a preference for Option 1, as set out in section 4.11 of the report.

The Committee discussed the two levels of senior officer positions; Chief Officer and Deputy Chief Officer and how these posts would be initially ring-

fenced, as detailed in sections 4.4 and 4.5 of the report, to ensure that the process was fair, open and transparent and did not create the potential for a higher-level Chief Officer to be dislodged by a Deputy Chief Officer.

Members were advised that officers would have the opportunity to apply for up to three roles within either ring-fenced group but that they would initially only be interviewed for posts within their own ring-fenced group. It was further clarified that, should a Chief Officer post remain available after the initial interviews, any officer within the lower ring-fence who had applied for the post would be brought forward for interview ahead of the Deputy Chief Officer interviews.

In response to a request for more clarity around which officers were included within the ring-fencing, the Managing Director stated that he was confident that the correct officers had been included in the target group for substantive posts. He advised members that, irrespective of staff job titles, only those officers in the target group would be permitted to apply for the posts.

Members considered the recruitment arrangements and requested some clarity around the process. The Managing Director explained that officers would initially be invited to take part in independently-run strength-based assessments. The feedback from these assessments would then enable the Joint Appointment Panel to shortlist successful candidates for interview. The Committee was advised that, if more than one candidate was suitable for a role, the Panel would decide which officer to appoint and would then assess whether the unsuccessful candidate was suitable for another of their preferred positions. The Managing Director stated that, although he did not foresee the need to offer anyone a position which was not on their preferred list, if this was the case, any role offered would be at an equivalent level. He reminded members that the Council needed a strong internal consultancy team in place and that it would make sense to retain good officers in this team, rather than to bring in external consultants at a later date.

In response to a member's question regarding voluntary redundancies, the Managing Director stated that, as the number of affected officers did not outnumber the substantive posts available, it would be inappropriate at this stage to offer voluntary redundancies. He stressed that he was not aware of any capability issues amongst those officers affected, so it would be difficult to defend an invitation for good staff to leave either Council at the expense of the public purse. However, he advised that the new roles were not directly correlated to the existing posts and that the Councils were looking for senior officers to drive the future, so if, after undergoing a full assessment and interview process, any affected officers were not appointed to suitable roles, then a redundancy situation might arise in the future.

In response to a member's question regarding the provision for Cabinet members to be permitted to object to the final appointment decisions, the Managing Director clarified that any objections raised would need to be

material and based on factual evidence rather than just stating a disagreement with the decision.

The Committee then turned to the table of options, as detailed in the report:

Members considered Option 1 which entailed an eight-member panel with the Managing Director holding a casting vote and with an external recruiter present. A member expressed his concerns that, as the Managing Director had only been in place for a short time, he would not be aware of the strengths and weaknesses of each candidate. He suggested that, once a Chief Officer was appointed, they should hold any casting vote for their deputies. In response, the Managing Director stressed the need for a fair and transparent recruitment process which should not have, or be perceived to have, 'fear, favour or agenda'. He expressed strong concerns that a newly appointed Chief Officer would have only worked with some of the candidates for the deputy roles and that their opinion might be, or be seen to be, biased either positively or negatively by prior events and experiences. In response to a further suggestion that the external recruiter should have the casting vote, the Managing Director advised that he was an experienced and skilled technical adviser who had been appointed by other councils to provide similar advice, and he further assured the Committee that he was best placed to carry out the role.

The Managing Director stressed the importance of integrity in the process to ensure that the best candidates were appointed and so any appointments could not be open to challenge or appeal. He asked that those making the decisions close their minds to any preconceptions and/or prior dealings with candidates so the decision to appoint or not appoint could be based purely on substantive evidence achieved through the strength-based assessments and interviews. He stated that, since commencing his employment as Managing Director, he had made a conscious decision to not become 'friends' with senior officers so as not to become, or be perceived to become, biased. The Managing Director further added that the Committee was in danger of over-complicating the situation, stating that he expected that he would not be required to use his casting vote and had every confidence that the Joint Appointment Panel would operate in a fair and sophisticated manner, without predisposition.

Members briefly considered Option 2, a smaller member panel consisting of two Cabinet members from each Council, with the Managing Director and an external recruiter. It was suggested that Cabinet members might be better placed to sit on the panel as they worked more closely with senior officers.

The opinions of the Committee were split when considering Option 4, which entailed recruitment decisions being delegated to the Managing Director. Some members felt that the Managing Director was highly experienced and should be responsible for appointing his own senior officers and that members did not necessarily possess the required skills to make such

decisions. Other members disagreed and felt that the recruitment process was part of their responsibility, as elected members. The Managing Director suggested that, due to the strong feelings, by Broadland members, that members should be involved in the process, Option 4 was not feasible.

The Chairman briefly summed up, suggesting that members seemed to generally be in agreement that Option 1 was the preferred option to put forward to Cabinet at both Councils, and this proposal was seconded by Cllr Adams. Members voted 10-0 and it was then:

### RESOLVED:

- (1) to note the recruitment process and associated timeline for appointment of Chief Officer and Deputy Chief Officer roles to the Senior Management structure;
  - (2) to **recommend to Cabinet** at both Councils, the proposed panel format as set out in section 4.11 for the Member appointments panel of Chief Officer roles;
  - (3) to **recommend to Cabinet** at both Councils that the appointments panel of Deputy Chief Officer roles reflect Option 1, as outlined in Section 4.12 of the report;
- and
- (4) to **recommend to Cabinet** at both Councils that the Managing Director be given delegated authority to appoint on an interim basis in the event that any external appointments are required after all internal senior staff and wider internal staff groups are complete.

*The meeting closed at 10.52am.*