

SPECIAL COUNCIL

Thursday, 4 October 2018

**To be held at Norfolk County Council
County Hall, Martineau Lane, Norwich NR1 2DH**

6.30 pm: Joint Briefing for Broadland and South Norfolk Councils
(to be held in the Council Chamber at County Hall)

7.00 pm: (or on the rise of the Joint Briefing if later)
South Norfolk Council Meeting
(to be held in the Council Chamber at County Hall)

If you have any special requirements in order to attend this meeting, please let us know in advance

Large print version can be made available



These meetings may be filmed, recorded or photographed by the public; however, anyone who wishes to do so must inform the Chairman and ensure it is done in a non-disruptive and public manner. Please review the Council's guidance on filming and recording meetings available in the meeting room.

Contact: Claire White on 01508 533669 or democracy@s-norfolk.gov.uk

The Council's Prayer

Agenda

1. Apologies for Absence

2. Urgent Items:

Any items of business which the Chairman decides should be considered as matters of urgency pursuant to Section 100 B (4) (b) of the Local Government Act, 1972; [Urgent business may only be taken if, "by reason of special circumstances" (which will be recorded in the minutes), the Chairman of the meeting is of the opinion that the item should be considered as a matter of urgency.]

3. To Receive Declarations of Interest from Members;

(please see guidance – page 3)

4. Appointment of Joint Managing Director;

(report attached – page 4)

Agenda Item: 3

DECLARATIONS OF INTEREST AT MEETINGS

Members are asked to declare any interests they have in the meeting. Members are required to identify the nature of the interest and the agenda item to which it relates.

- In the case of **other** interests, the member may speak and vote on the matter.
- If it is a **pecuniary** interest, the member must withdraw from the meeting when it is discussed.
- If it **affects or relates to a pecuniary interest** the member has, they have the right to make representations to the meeting as a member of the public but must then withdraw from the meeting.
- Members are also requested when appropriate to make any declarations under the Code of Practice on Planning and Judicial matters.
- In any case, members have the right to remove themselves from the meeting or the voting if they consider, in the circumstances, it is appropriate to do so.

Should Members have any concerns relating to interests they have, they are encouraged to contact the Monitoring Officer (or Deputy) or another member of the Democratic Services Team in advance of the meeting.

Council

4 October 2018

Agenda Item 4

Appointment of Joint Managing Director

**Report of the Monitoring Officer
Cabinet Member: Cllr Kay Mason Billig**

CONTACT
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1 SUMMARY

- 1.1 This report recommends the outcome of the Joint Appointment Panel for the appointment for the statutory Head of Paid Service for Broadland District Council and South Norfolk Council and to also appoint the same officer to be the Joint Managing Director.

2 BACKGROUND

- 2.1 Broadland District Council and South Norfolk Council, at their respective Council meetings on the 12 July 2018 agreed to the proposals for collaborative working and specifically to; create a new post of Joint Managing Director and to appoint to this post in accordance with the agreed timelines within the Feasibility Study report.
- 2.2 At these meetings, Broadland District Council and South Norfolk Council also agreed to set up a cross-party Joint Appointment Panel, specifically to lead on the recruitment process for the Joint Managing Director, with clear terms of reference set for the group as set out in the papers for the 12 July Council meeting.
- 2.3 The membership of the panel is:
- Cllr Kay Mason Billig – Chair (South Norfolk Council)
 - Cllr Greg Peck - Vice Chair (Broadland District Council)
 - Cllr John Fuller (South Norfolk Council)
 - Cllr Christopher Kemp (South Norfolk Council)
 - Cllr Trevor Lewis (South Norfolk Council)
 - Cllr Andrew Proctor (Broadland District Council)
 - Cllr Steve Riley (Broadland District Council)
 - Cllr Shaun Vincent (Broadland District Council)
- 2.4 The Joint Managing Director will serve the two Councils, leading one joint officer team. This role will be focussed on the direction and oversight of operations of the Councils including their commercial and business-like drivers, and leading and managing the joint team to deliver the organisations key objectives. Additional focus will be providing external leadership of the organisation in its partnerships and with stakeholders. Central to the role will also be the leadership of “place” supporting members in this role.

3 AGREEMENT BETWEEN THE COUNCILS

- 3.1 Section 113 of the Local Government Act 1972 allows a local authority to enter into an agreement with another local authority to place its officers at the disposal of the other authority. Authorities must consult the officer involved before entering into such an agreement (which has been done as part of the recruitment process). Staff who are made available under such an arrangement are able to take binding decisions on behalf of the council at whose disposal they are placed, although they remain an employee of their original authority for the employment and superannuation purposes. This legislation therefore allows the Joint Managing Director to be shared between the two Councils.
- 3.2 The section 113 agreement makes provision for the employer council to place its officers at the disposal of the other and for the non-employer council to receive those services. It also covers the appointment and sharing of statutory officers and the discharge of their statutory responsibilities. Finally, it sets out the procedure for termination of the joint arrangements if any disputes arise which the councils are unable to resolve between them. A Memorandum of Understanding is also being developed to support this agreement.
- 3.3 For the Joint Managing Director post the employer council i.e. the appointing authority will be Broadland District Council and the non-employer council will be the South Norfolk Council, as agreed by the Joint Appointment Panel.

4 HEAD OF PAID SERVICE

- 4.1 Section 4 of the Local Government and Housing Act 1989 requires each council to designate one of their officers as the Head of Paid Service. The Joint Managing Director is an officer of the employer council and can also be regarded as an officer of the non-employer council due to the section 113 agreement. The Joint Managing Director will therefore act as Head of Paid of Service for each Council.

5 ELECTORAL REGISTRATION OFFICER AND RETURNING OFFICER

- 5.1 Section 8 of the Representation of the People Act 1983 requires every District Council to appoint an officer of the Council to be Electoral Registration Officer (ERO). Section 35 of the Representation of the People Act 1983 requires every District Council to appoint a Returning Officer (RO) for District and Parish Council elections.

- 5.2 The Electoral Registration Officer and the Returning Officer must be an officer of the Council. As Broadland District Council are the employer council they can take on these responsibilities by virtue of that appointment.
- 5.3 If South Norfolk Council require the same person to take on these responsibilities, then the Joint Managing Director needs to be “employed” by both authorities. Legal documents would need to be drawn up to progress this and this is currently being reviewed. However, there are practical issues about the same officer covering two areas in terms of where will this person be on polling day, how will issues arising be managed and what are the political expectations?
- 5.4 In reviewing other shared service council arrangements there are two models that are followed. The first is that these responsibilities are undertaken by the same officer, with a senior experienced deputy in post, and secondly, these responsibilities are undertaken for the employer council and that the non-employer council make alternative arrangements.
- 5.5 Broadland District Council are the employer council and the Joint Managing Director will be the Electoral Registration Officer and the Returning Officer from a date to be confirmed. The date of the appointment will depend on the level of experience the successful candidate brings with them. It is possible for interim arrangements to be put in place in order to conclude the May 2019 elections, through existing senior management staff with relevant experience in this area.
- 5.6 The appointment of the Electoral Registration Officer, their Deputy and the Returning Officer for Broadland District Council will be brought to Council on 1st November 2018 for formal conclusion.
- 5.7 South Norfolk Council will determine the appointment of the Electoral Registration Officer and Returning Officer role following the appointment of the Joint Managing Director. This member of staff needs to be employed by South Norfolk Council and practical arrangements will need to be considered should this be the Joint Managing Director, in particular that of the Returning Officer, to be fully and effectively carried out.
- 5.8 The appointment of the Electoral Registration Officer, their Deputy and the Returning Officer for South Norfolk Council will be brought to Council on 10th December 2018 for formal conclusion.

6 CONSTITUTIONAL ISSUES

- 6.1 The constitutions of both Councils include a number of references to the Chief Executive, Head of Paid Service, Electoral

Registration Officer and Returning Officer. These include powers within each scheme of delegation. The constitutions will require updating to reflect the outcomes and decisions reached by both Councils as part of this report, and the Monitoring Officers will ensure that this is appropriately actioned.

7 JOINT APPOINTMENT PANEL

7.1 The Joint Appointment Panel has met on four occasions as follows:

- Firstly, to approve the job description and person specification, the terms and conditions and the recruitment process and timelines.
- Secondly, to undertake the long listing and determine the assessment centre design, and thirdly to undertake the short listing.

7.2 Five candidates were shortlisted and the final meetings of the panel to undertake a comprehensive assessment centre and interviews will be held on the 27 and 28 September, the conclusion of which will be reported verbally on the 4 October to Council, with minutes tabled, as a recommendation for the appointment of the Head of Paid Service for both Councils and the Joint Managing Director role.

8 PROPOSED ACTION

8.1 The Council is asked to approve the recommendation of the Joint Appointment Panel for the position of the Joint Managing Director and Head of Paid Service for both Councils.

9 RESOURCE IMPLICATIONS

9.1 The resource implications, in particular the financial implications are in relation to the salary of £140,000 - £160,000, plus any on-costs. The funding of the recruitment exercise was agreed as part of previous reports to Council.

9.2 The contract for the Joint Managing Director will ensure that the interests of both Broadland District Council and South Norfolk Council are safeguarded.

10 LEGAL IMPLICATIONS

- 10.1 The legal implications of the appointment of the Joint Managing Director, Head of Paid Service and the employment and other issues arising there from are covered in the body of the report. The arrangements that are in place for the current Chief Executives, have had appropriate legal oversight.

11 EQUALITY IMPLICATIONS

- 11.1 The selection process has been rigorous, transparent and documented to adhere to good practice and equalities legislation.

12 RECOMMENDATION

12.1

- (a) To consider, and approve, the recommendations of the Joint Appointment Panel for the statutory role as the Head of Paid Service for Broadland District Council and South Norfolk Council and also for the appointment to the role of the Joint Managing Director for both Councils.
- (b) That the designated Head of Paid Service be approved as the Proper Officer under S270(3) of the Local Government Act 1972.
- (c) That Broadland District Council, the employer council, agrees to place the Joint Managing Director at the disposal of South Norfolk Council for the purposes of their functions in accordance with section 113 of the Local Government Act 1972. **(South Norfolk Council to note only)**
- (d) That South Norfolk Council, the non-employer Council, agrees to receive the services of the Joint Managing Director Broadland District Council, for the purposes of their functions in accordance with section 113 of the Local Government Act 1972. **(Broadland District Council to note only)**
- (e) That the Monitoring Officer be given delegated authority to make any required changes to the Council's Constitution resulting from the resolution of these recommendations.