

# Report to Council

27 JANUARY 2010

**LEADER**

*Councillor Stephen  
Greenhalgh*

**AMENDMENT TO MEMBER INVOLVEMENT IN  
THE COUNCIL'S APPOINTMENTS AND  
DISMISSALS PANELS**

**Wards  
All**

This report recommends a change to the recruitment and selection and dismissal processes for Deputy Chief Officers (Assistant Director or equivalent level) from Member Appointments/Dismissals Panels to officers' appointments/dismissals processes, thereby bringing them into the responsibility of the Head of Paid Service (Chief Executive), or his/her nominee.

**CONTRIBUTORS**

DFCS  
ADLDS

**Recommendations:**

1. To approve the delegation of appointments and dismissals of all staff below Chief Officer level to the Head of Paid Services or his/her nominee.
2. To amend the Council's Constitution as set out in Appendix A.

## **1. BACKGROUND**

- 1.1 The Council is required to conduct the recruitment and selection of the Head of Paid Service (Chief Executive) and Chief Officers (Director level), in accordance with the Local Authorities (Standing Orders) Regulations 1993. In the case of the Head of Paid Service, the full Council must approve the appointment following the recommendation of the appointment by a Committee or Sub Committee of the Council before an offer of appointment is made.
- 1.2 Currently a Committee or Sub Committee of the Council has responsibility for appointing Chief Officers (Director level) and Deputy Chief Officers (Assistant Director level). The appointment of officers below Deputy Chief Officer (other than assistants to political groups and an assistant to the Mayor) is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by Councillors.
- 1.3 The appointment of an assistant to a political group is made in accordance with the wishes of that political group.

## **2. CURRENT ARRANGEMENTS FOR THE APPOINTMENTS' PANELS**

- 2.1 The recruitment and selection of senior Council officers i.e. Head of Paid Service (Chief Executive), Chief Officers (Director level) and Deputy Chief Officers (Assistant Director or equivalent level), is currently conducted in accordance with the Officer Employment Procedures set out in Part 4 of the Council's Constitution. The current terms of reference for the Appointments' Panels stipulate that the membership for such panels include the Leader, the Deputy Leader and the Cabinet Member relevant to the area of appointment, as well as the Leader of the Opposition or his/her named substitute and one other relevant Opposition member. Where the appointment relates to the portfolios of two Cabinet Members, both will be members of the panel. There is no scheme of delegation in place to enable substitutes for Members of Appointments' Panels.
- 2.2 In accordance with the Council's Constitution, an Appointments Panel will:
  1. Appoint, except in the case of the Chief Executive (where a recommendation to full Council is required), all statutory Chief Officers, non-statutory Chief Officers (Director level), and Deputy Chief Officers (Assistant Director Level) (and, in appropriate circumstances, Head Teachers);
  2. Notify the Proper Officer of the name and any relevant details relating to the appointment of any of the Chief or Deputy Chief Officers set out above in accordance with paragraphs 5 & 6 of Part II Schedule I of the Local Authorities (Standing Orders) (England) Regulations 2001, and to appoint accordingly, no objection having been received from the Executive within the timescale specified by the Proper Officer for lodging such objections.

### **3. PROPOSALS FOR CHANGE TO THE SCOPE OF DECISION MAKING POWERS FOR THE APPOINTMENTS PANELS**

- 3.1 It now seems timely to examine the Council's existing arrangements for Member involvement in the Appointments Panels and to consider making recommendations for change to reflect the need for reducing Member time spent on officer recruitment and selection processes so that Members would be involved in recruitment and selection only occasionally.
- 3.2 Within the Council's senior management structure, there are 26 Deputy Chief Officers, otherwise known as Assistant Directors and including one Deputy Director. Under the current arrangements, all of these posts are appointed to through Members' Appointments Panels.
- 3.3 Given the numbers of posts involved, as well as the inevitability that there is likely to be some turnover at this level, coupled with the occasional creation of additional posts from time to time, this can engender recruitment and selection activity, which in turn has the potential to become an overly time consuming activity for Members. It therefore seems entirely sensible for this Council to adopt the same process as already put in place in several other London Authorities by normally delegating the recruitment and selection processes for Deputy Chief Officers (Assistant Director level or equivalent) to officer appointments panels with the appointment decision becoming the responsibility of the Head of Paid Service or his/her nominee, and not be made by Councillors.
- 3.4. Should the scheme of delegation to officer level be introduced for appointments at Assistant Director level or equivalent, it is proposed that in such circumstances, a 'call in' arrangement be put in place, so that the Leader would be consulted with, prior to any formal offer of employment being made to the prospective successful candidate.
- 3.5 Of course there will be circumstances where the Members may wish to be involved in the appointments process for a select number of Deputy Chief Officer posts (Assistant Director level or equivalent), or where there may be a compelling need for them to be involved because of the political sensitivity/particularly high profile nature of certain posts, e.g. the Monitoring Officer which is a statutory appointment, the Head of Communications post and assistants to the political groups. It is proposed that the Head of Paid Service takes a view in each case as to whether a Members Appointments Panel applies, in consultation with the Leader.
- 3.6 Such proposed changes, if put into effect, would be advantageous for the Council as it would free up the Leader, Deputy Leader and other Members linked to the Appointments Panel, which would in turn provide them with greater capacity to concentrate more fully on their accountability to residents, the business of the Council and corporate leadership, which would in turn maximise efficiency of decision making in the Council.

**4. DISMISSALS**

4.1 Deputy Chief Officer dismissals are also currently delegated to Member panels. It is recommended that this responsibility also be delegated to the Head of Paid Service, or his/her nominee.

**5. COMMENTS OF THE ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC SERVICES)**

5.1 As explained in the body of the report whilst chief officers must be appointed by the Council or a committee or sub-committee the appointment deputy chief officers (assistant directors) may be delegated.

**6. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE SERVICES**

6.1. There are no financial implications arising from the proposals outlined in this report.

**LOCAL GOVERNMENT ACT 2000**  
**LIST OF BACKGROUND PAPERS**

<b>No.</b>	<b>Description of Background Papers</b>	<b>Name/Ext. of Holder of File/Copy</b>	<b>Department/ Location</b>
1.	Employment Procedures (Part 4 of the LBHF Constitution)	Kayode Adewumi Head of Councillors' Services	Councillors' Services