

TO: COUNCIL
26 NOVEMBER 2014

**ESTABLISHMENT OF AN APPOINTMENT COMMITTEE
(Chief Executive)**

1 PURPOSE OF DECISION

- 1.1 The Borough Solicitor has indicated his decision to retire in June 2015 so it is necessary to agree a recruitment process to fill the vacancy. The Officer Employment Procedure Rules (Part 4, Section 12 of the Council's Constitution) are relevant to such appointments and this report invites the Council to establish an Appointment Committee for the post.

2 RECOMMENDATIONS

The Council is asked to agree:

- 2.1 **That a Committee of the Council of five members (4:1), including at least one Member of the Executive (plus up to two substitute members per group) be appointed, with the following terms of reference:**

"To interview and appoint on behalf of the Council to the post of Borough Solicitor"

- 2.2 **That the nominated Members are to be confirmed.**
- 2.3 **That the substitute Members are to be confirmed.**

3 REASONS FOR RECOMMENDATIONS

- 3.1 To ensure that the appointment process is in accordance with the Council's Constitution.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Not applicable.

5 SUPPORTING INFORMATION

Appointment Committee

- 5.1 A close examination of the need for the post has been carried out. The post is a key one and its principal responsibilities centre around providing effective, reliable and efficient legal services to the Council. It is responsible for ensuring that the Council acts within the law and is able to use the law effectively in exercising its power and duties. In its role as Monitoring Officer, the post reports any case to the Council which is likely to be illegal or to constitute maladministration; is responsible for a range of functions relating to the conduct of councillors and officers (for example maintaining the Register of Members' interests) and ensures the Council's

Unrestricted

Constitution is operated effectively. The post provides timely advice to the Council on all legal issues.

The post also acts as the lead for the Council in a number of areas, Senior Information Risk Officer, Assets of Community Value, Community Right to Bid etc.

The post plays the leading role in the development and maintenance of effective management in the Legal Services Team and constructs major plans and service issues across the full range of the service area under its management.

- 5.2 Therefore there is a clear requirement to recruit to the post to ensure these crucial Council functions are properly resourced and managed.
- 5.3 The Council's Officer Employment Procedure Rules, which form Part 4, Section 12 of the Constitution, deal with the arrangements for the appointment of officers at director and chief officer level. Those rules dictate that if it is proposed that an appointment to a post at this level is not made exclusively from within the Council's existing staff, it must be advertised externally. This is the case with the Borough Solicitor.
- 5.4 The Officer Employment Procedure Rules require that where a committee is to be established for the purposes of making an appointment it should include at least one Member of the Executive. Whilst it is a matter for the political groups to make their own nominations, in this instance it would be appropriate for the Executive Member responsible for Culture, Corporate Services and Public Protection to serve on the Committee. It is also suggested that the Chairman of the Employment Committee be included.
- 5.5 In accordance with standard practice for a Chief Officer post, the Committee will be responsible for approving the shortlist of candidates prepared by officers, for interviewing those candidates and for making the final appointment. It is suggested that the Committee should comprise five Members and in order to reflect the political balance on the Council, four of these members would be from the Conservative Group, with the remaining Member from the Labour Group. Accordingly, nominations have been sought from the Group Leaders, the nominations will be announced at the Council meeting.
- 5.6 The likely date for interviews will be Friday 30 January 2015.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Treasurer

- 6.1 There are no financial implications arising from the establishment of the Appointment Committee.

Borough Solicitor

- 6.2 The Appointment Committee process accords with the Council's constitution particularly section 12 part 4 and S151 Local Government Act 1972.

Equalities Impact Assessment

- 6.3 The recruitment process will be conducted in accordance with the Council's employment policies.

Strategic Risk Management

- 6.4 Not to recruit to the post would expose the Council to risk as the functions identified in paragraph 5.1 could not be carried out effectively.

7 CONSULTATION

Principal Groups Consulted

- 7.1 Group Leaders regarding composition of the Committee.

Method of Consultation

- 7.2 Discussion and email.

Representations Received

- 7.3 Not applicable

Background Papers

None

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