

**TO: COUNCIL
29 NOVEMBER 2023**

**ESTABLISHMENT OF AN APPOINTMENT COMMITTEE
Joint Director of Public Health
(Chief Executive)**

1 PURPOSE OF DECISION

- 1.1 Following the ongoing reorganisation of the East Berkshire Public Health System, the council is now in a position to appoint a new joint Director of Public Health with the Royal Borough of Windsor and Maidenhead (RBWM). This report seeks agreement to the establishment of an Appointment Committee for this purpose.
- 1.2 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.

2 RECOMMENDATIONS

- 2.1 That a committee of the Council of three Bracknell Forest Councillors (2 Labour, 1 Conservative), including the Executive Member for Adult Services Health and Housing and three Councillors of RBWM be appointed, with the following terms of reference:**

To interview and appoint on behalf of the Council to the post of:

- i) Joint Director of Public Health**

- 2.2 That nominated Members are appointed in accordance with political group wishes.**
- 2.3 That substitute Bracknell Forest Council (BFC) Members are appointed in accordance with Labour (5) and Conservative (3) group wishes, including two substitute Executive Members.**
- 2.4 That three substitute Councillors from RBWM also be appointed.**
- 2.5 That the Joint Committee proceedings will be conducted in accordance with the Bracknell Forest Constitution.**

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 There is one position currently reporting to the Chief Executive that has been temporarily filled through interim recruitment arrangements, but which needs to be filled through permanent recruitment. This is:
- i) The Joint Director of Public Health (Bracknell Forest and RBWM)
- 5.2 The Member Appointment Panel is proposed to be held in December 2023.
- 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 assistant director 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.
- 5.4 It is normally proposed that each Committee should comprise five Councillors on the Council. As this is a joint appointment it is recommended that a Panel of three Councillors from each Council sit on the appointment panel and that they appoint a chair who would have a casting vote in the circumstance where a vote was balanced. For Bracknell Forest 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.
- 5.5 Whilst it is a matter for political groups to make nominations, in this instance it would be appropriate for the Executive Member for Adults Services Health and Housing sit on the Panel as the appointment relates to their area of responsibility. Nominations have been sought and will be tabled at the Council meeting.

Political balance requirements

- 5.6 The Local Government and Housing Act 1989 requires the council to allocate seats on committees to political groups in accordance with the size of each group on the council as a whole, unless alternative arrangements are notified to all councillors and agreed without any councillor voting against them. The council is also required to make appointments to committees in accordance with the wishes of the political group to which each seat has been allocated.
- 5.7 The Local Government and Housing Act 1989 introduced provisions to ensure that the political balance on committees reflects the political complexion of the council. To achieve this, the council is required to observe the following principles as far as is reasonably practicable:
- (a) that not all seats on the committee are allocated to the same political group
 - (b) that the majority of seats on each committee should be allocated to a particular political group if the number of members of the group is a majority of the authority's membership
 - (c) subject to paragraphs (a) and (b) above, that the total number of all seats allocated to each political group on ordinary committees should reflect the political balance of the council

Unrestricted

- (d) subject to paragraphs (a) to (c) above, that the number of seats on each committee allocated to each political group should reflect the political balance of the council
- 5.8 Principles (a), (b) and (d) apply to all appointments to the authority's own committees and sub-committees and to certain outside bodies. However, principle (c) only relates to appointments to the 'ordinary' committees of the Council.
- 5.9 As this is a joint appointment with RBWM it is has been agreed three RBWM Councillors be on the appointment panel. The RBWM constitution enables this appointment to be delegated to Officers, however, to provide equity the Chief Executive of RBWM has requested an equal balance of BFC and RBWM councillors sit on the appointment panel.

6 **ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS**

Executive Director: Resources

- 6.1 There are no financial implications arising from the establishment of the Appointment Committee, and costs for the post are met within existing budgets.

Borough Solicitor

- 6.2 The Appointment Committee process accords with the Council's constitution particularly section 12 part 4, but has been adapted to take account of the joint arrangements of this appointment with RBWM.

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 could not be carried out effectively.

7 **CONSULTATION**

Principal Groups Consulted

- 7.1 Corporate Management Team, Group Leaders regarding composition of the Committee, RBWM

Method of Consultation

- 7.2 Discussion and email.

Representations Received

- 7.3 Not applicable

Unrestricted

Background Papers

None

Contact for further information

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