

Agenda

Employment panel

Date: **Wednesday 12 May 2021**

Time: **2.00 pm**

Place: **Hereford Town Hall, St Owen Street, Hereford HR1 2PJ**

Notes: Please note the time, date and venue of the meeting.

For any further information please contact:

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If you would like help to understand this document, or would like it in another format, please call Sarah Buffrey, democratic services officer on 01432 260176 or e-mail sarah.buffrey@herefordshire.gov.uk in advance of the meeting.

Agenda for the meeting of the Employment panel

Membership

Chairperson **Councillor David Hitchiner**
Vice-Chairperson **Councillor Ellie Chowns**

Councillor Tony Johnson
Councillor Liz Harvey
Councillor Terry James

Agenda

	Pages
1. APOLOGIES FOR ABSENCE To receive any apologies for absence.	
2. NAMED SUBSTITUTES (IF ANY) To receive details of any member nominated to attend the meeting in place of a member of the panel.	
3. DECLARATIONS OF INTEREST To receive declarations of interests in respect of Schedule 1, Schedule 2 or Other Interests from members of the committee in respect of items on the agenda.	
4. MINUTES To approve and sign the minutes of the meeting held on 13 January 2021.	7 - 8
5. QUESTIONS FROM MEMBERS OF THE PUBLIC To receive any written questions from members of the public. Details of the scheme and related guidance are available here: https://www.herefordshire.gov.uk/info/200148/your_council/61/get_involved Please submit questions to councillorservices@herefordshire.gov.uk The deadline for the receipt of questions is Thursday 6 May at 5.00 pm. Accepted questions will be published as a supplement prior to the meeting.	
6. QUESTIONS FROM COUNCILLORS To receive any written questions from councillors. Please submit questions to councillorservices@herefordshire.gov.uk The deadline for the receipt of questions is Thursday 6 May at 5.00 pm. Accepted questions will be published as a supplement prior to the meeting.	
7. APPOINTMENT OF ACTING DIRECTOR, ADULTS AND COMMUNITIES To agree the appointment arrangements for an acting or interim director, adults and communities.	9 - 14

The Public's Rights to Information and Attendance at Meetings

In view of the continued prevalence of covid-19, we have introduced changes to our usual procedures for accessing public meetings. These will help to keep our councillors, staff and members of the public safe.

Please take time to read the latest guidance on the council website by following the link at www.herefordshire.gov.uk/meetings and support us in promoting a safe environment for everyone. If you have any queries please contact the Governance Support Team on 01432 260201 / 261699 or at governancesupportteam@herefordshire.gov.uk

We will review and update this guidance in line with Government advice and restrictions. Thank you very much for your help in keeping Herefordshire Council meetings a safe space.

YOU HAVE A RIGHT TO: -

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

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Please note that filming, photography and recording of this meeting is permitted provided that it does not disrupt the business of the meeting.

Members of the public are advised that if you do not wish to be filmed or photographed you should let the governance services team know before the meeting starts so that anyone who intends filming or photographing the meeting can be made aware.

The reporting of meetings is subject to the law and it is the responsibility of those doing the reporting to ensure that they comply.

The council may make an official recording of this public meeting or stream it live to the council's website. Such recordings form part of the public record of the meeting and are made available for members of the public via the council's web-site.

Public transport links

Hereford Town Hall is a few minutes walking distance from both bus stations located in the town centre of Hereford.

Minutes of the meeting of Employment panel held at Online meeting only on Wednesday 13 January 2021 at 4.00 pm

Present: Councillor David Hitchiner (chairperson)
Councillor Ellie Chowns (vice-chairperson)

Councillors: Tony Johnson, Liz Harvey and Terry James

Officers: Assistant director, people

16. APOLOGIES FOR ABSENCE

None.

17. NAMED SUBSTITUTES (IF ANY)

None.

18. DECLARATIONS OF INTEREST

None.

19. MINUTES

The minutes of the meeting held on 18 November 2020 were approved and signed by the chairperson.

20. QUESTIONS FROM MEMBERS OF THE PUBLIC

There were no questions from members of the public.

21. QUESTIONS FROM COUNCILLORS

There were no questions from councillors.

22. CHIEF EXECUTIVE APPOINTMENT

After a full and rigorous recruitment process, including final interviews on Monday 11 January 2021, the employment panel agreed unanimously that, subject to there being no valid objections, Paul Walker be recommended to council as the council's chief executive.

The matter of the statutory roles of head of paid service and returning officer from 12 February 2021 were discussed. The employment panel agreed that the solicitor to the council be designated as returning officer and recommend to full council that the solicitor to the council would also be head of paid service until the new chief executive was in post. As the monitoring officer role could not hold these two other statutory roles at the same time, it was further agreed that the interim head of legal services be appointed as the acting monitoring officer until the new chief executive was in post.

RESOLVED that:

- (a) Subject to no valid objections being received from cabinet members by midday on 15 January 2021 Paul Walker is recommended to full council as the candidate to be appointed as the council's chief executive and head of paid service.**
- (b) The solicitor to the council is recommended to full council as the post holder designated to be an acting head of paid service from 12 February 2021 when the current chief executive leaves the council's employment and until the newly appointed chief executive starts in post.**
- (c) To ensure appropriate and necessary separation of statutory roles, the interim head of legal services is recommended to full council as the post holder designated to be acting monitoring officer for any period of time when the solicitor to the council is designated as acting head of paid service.**
- (d) The solicitor to the council is designated returning officer from 12 February 2021 when the current chief executive leaves the council's employment and until the newly appointed chief executive starts in post.**

The meeting ended at 17:38 pm

Chairperson



Title of report: Appointment of Acting Director, Adults and Communities

Meeting: Employment panel

Meeting date: Wednesday 12 May 2021

Report by: Assistant Director, People

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose

To agree the appointment arrangements for an interim director for adults and communities, following the resignation of the current post holder.

Recommendation(s)

That:

- a) **Employment panel support the plan to make a temporary appointment to the role of director for adults and communities;**
- b) **Employment panel delegate the recruitment of a temporary director for adults and communities to the chief executive; and**
- c) **If a suitable internal candidate cannot be found, employment panel supports the chief executive's plan to recruit a suitably qualified external interim, on a contract for services basis.**

Alternative options

1. To commence recruitment of a substantive director for adults and communities immediately. This is not recommended because due to the timescales involved in making a substantive appointment the need to make some temporary arrangement is inevitable.
2. To not to recruit to the post at all. This is not recommended because in this council, the director for adults and communities role also holds the statutory DASS (Director of Adults Social Services) function and the council is required to designate a suitably qualified officer to act as the DASS.
3. To not delegate the internal part of this recruitment process to the chief executive. This is not recommended because the chief executive is an experienced and capable recruiter and in carrying out both the internal and external search the process would be more timely and consistent.
4. To not seek an internal candidate and instead decide to recruit from the external interim market in the first instance. This is not recommend because the council aims to encourage staff development and if there is a suitably qualified and experienced candidate internally, it would be preferable to appoint from within. In the event that no internal candidates are appointable, sufficient time has been built into the timetable to allow an external interim to be recruited.

Key considerations

5. The current director has resigned from his post and leaves the council at the start of July 2021.
6. To allow sufficient time to consider the council's management structures as a whole, and to undertake a robust external recruitment process for a substantive appointment later in the year, it is recommended that an interim appointment is made.
7. In order to fill this post the council has two options; either to make a temporary appointment from within the organisation on an acting basis or to seek an interim from the external market on a contract for services basis. The council's employment rules delegate authority to carry out these activities differently. Employment panel has the authority to make appointments to this role on a temporary basis from internal staff and the chief executive has authority to make appointments from the external market on a contract for services basis.
8. For reasons of expediency and consistency, employment panel is requested to delegate authority to the chief executive to undertake the internal process in conjunction with the cabinet member for health and adult wellbeing. The chief executive intends to carry out an open and competitive process internally within the council to identify if there are any suitable qualified candidates to undertake the role on an acting basis.

9. If an internal candidate is appointable then subject to no valid objections from cabinet members within a specified timeframe, the chief executive will make an internal temporary appointment.
10. If no internal candidates are appointable at this time, the chief executive intends to make an external appointment on a contract for services basis until a substantive appointment is made.
11. In all decisions the chief executive will work closely with the cabinet member, health and adult wellbeing.

Community impact

12. In accordance with the adopted code of corporate governance, Herefordshire Council needs appropriate structures and leadership, as well as people with the right skills, qualifications and mind-set, to operate efficiently and effectively. The council is accountable for how it uses the resources under its stewardship, including accountability for outputs and outcomes achieved. In addition the council has an overarching responsibility to serve the public interest in adhering to the requirements of legislation and government policies.
13. The post holder provides strategic leadership to a key council service delivery area. Without effective leadership, outcomes for communities and individuals in Herefordshire could be adversely affected.

Environmental Impact

14. Whilst this is a decision on back office functions and will have minimal environmental impacts, consideration has been made to minimise waste and resource use in line with the Council's Environmental Policy by providing electronic copies of this report.

Equality duty

15. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The council's policies in relation to job evaluation, recruitment and selection pay full regard to the public sector equality duty.

Resource implications

16. The establishment budget is available for this post and any internal appointment will be made within this budget.
17. The gross salary for this post is £130,865. This salary is set out in the council's pay policy statement and was approved at full council on 12 February 2021.

Revenue budget implications	2021/22	2022/23	2023/24	Future Years	Total
Salary costs (9 months)	£98,148				£98,148
TOTAL					

Legal implications

18. The council is required to designate a suitably qualified officer to act as Director of Adult Social Services (DASS) as prescribed in the Children Act 2004 (which amended the Local Authority Social Services Act 1970).
19. Local authorities are required to ensure that the DASS is directly accountable to the Chief Executive of the local authority and comparable, in terms of seniority, with the Director of Children's Services. The Director of Adult Social Services is a politically restricted statutory chief officer post under Section 2 of the Local Government and Housing Act 1989 (as amended). This means that he or she may not be a Member of the local authority, The appointment of the Director of Adult Social Services is not a function of the executive and is the responsibility of Full Council. The Council have delegated this function to the employment panel, which is set out in the constitution at paragraph 4.9.1.
20. Paragraph 4.9.19 of the constitution provides that the short-listing and interview of candidates for this post will be carried out by the employment panel.
21. The Localism Act 2011 provides that the council's pay policy statement must be approved by council. The salary specified in paragraph 17 of this report is set out in the council's pay policy statement and was approved at full council on 12 February 2021.

Risk management

22. See table.

Risk	Mitigation
The risks posed by COVID-19 will prevent the council from carrying out a robust selection process.	The council has experience of successfully appointing to key roles using digital platforms and involving key stakeholders, should that be necessary.
No internal candidates apply for the role or are appointable	Sufficient time is built into the plan to ensure that if internal recruitment is not successful the council is able to recruit externally.

Consultees

23. The cabinet member health and adult wellbeing has been consulted on these proposals and is supportive.

Appendices

None

Background papers

None identified

