

North Tyneside Council Report to Council Date: 9 February 2012

ITEM 3

Title: Requisition for
Extraordinary Council Meeting -
Appointment of Strategic Director

Report from: Head of Paid Service

Report Author: Fiona Rooney, Strategic Director of Finance and Resources **Tel:** 643 5724

Wards affected: All

PART 1

1.1 Purpose:

- 1.1.1 A Requisition submitted in accordance with the Council's Constitution from 5 Members of the Council requested an Extraordinary Council Meeting to discuss concerns in relation to the appointment process to the Strategic Director of Strategic Services position. This report from the Head of Paid Service sets down the clarifications as requested in a Requisition from 5 Members of the Council.

1.2 Recommendation(s):

- 1.2.1 It is recommended that Council notes the content of this report.

1.3 Forward plan:

This item does not appear on the Forward Plan for the period 1 February 2012 to 31 May 2012, as the requisition to hold the Council meeting was received after the deadline for submission of items for the Forward Plan.

1.4 Council plan and policy framework:

- 1.4.1 This report relates to the following priorities in the 2011-2015 Council Strategic Plan:

Our Resources

To respond to the level of reduction in public expenditure by changing what we do and how we do it to reduce costs, drive out inefficiencies and make sure we provide excellent services which give the best added value for residents. In particular, priority 3.4 'developing and getting the most from our workforce' refers.

1.5 Information

- 1.5.1 This report provides information in response to a requisition received in relation to the appointment of the Strategic Director of Strategic Services post.

Requisition

- 1.5.2 The requisition stated:

“This Council is concerned that a recent report submitted to Cabinet implied that the Appointments and Disciplinary Committee were unable to make an appointment to the Strategic Director of Strategic services (and the particular paragraph is shown below) :-

The current position is that the Council’s Appointments and Disciplinary Committee has been unable to make an appointment to the Strategic Director of Strategic Services post and for this reason consideration needs to be given as to the most appropriate course of action in relation to the senior management arrangements for the Council, given that a Strategic Director post will be vacant at the same time that a part time, Interim Chief Executive is in place.

It is this Council’s view that this was not the case, and the Appointments and Disciplinary Committee did in fact agree to an appointment.

1. Council now seeks an explanation of what actually transpired from the conclusion of the Appointments and Disciplinary Committee up to the point that the Cabinet Report was produced.
2. Council also seeks clarification on the delegated authority to the Appointments Committee and is there any part of the constitution that would deny that delegation to be undertaking or indeed overruled.
3. Council seeks subject to clarification that the Head of Paid Service to look into this matter and report back to the next Council meeting with the findings and recommendations.”

Background

- 1.5.3 A report was submitted to Cabinet on 16 January 2012 in relation to Senior Management Arrangements and is attached at Appendix A for Members’ information. The following sections of this report take each of the Requisition points in turn.

Chronology of events in relation to the Appointment of the Strategic Director of Strategic Services’ recruitment process from 17 November 2011 to the Cabinet Meeting on 16 January 2012

- 1.5.4 Following discussions with the Interim Chief Executive and the Strategic Human Resources Manager, Table 1 sets down a chronology of events from 17 November

2011 to 16 January 2012. Candidates are referred to by a number for confidentiality reasons.

Table 1: Chronology of Events from 17 November 2011 to 16 January 2012

<p>17 November 2011</p>	<p>Four candidates were interviewed. The Appointments and Disciplinary Committee (“the Committee”), by a majority, decided that the preferred candidate for appointment was Candidate No 4. The Committee were advised that as laid down in the Council procedure, the whole Cabinet would be advised of the preferred appointment and would have an opportunity to raise any objections within a prescribed time period. The candidates had been informed during the interviews that they would be advised of the outcome of the interviews on the evening of 17 November 2011.</p> <p>The Strategic Human Resources Manager contacted Candidates No 1 and 2 and the Interim Chief Executive spoke to Candidate No 3 and left a voicemail for Candidate No 4.</p>
<p>18 November 2011</p>	<p>The Interim Chief Executive spoke to candidate No 4 and advised him of the preferred appointment arrived at by a majority at the Committee and advised him of the objection period for Cabinet. The Interim Chief Executive explained that he would need to consider whether he would wish to continue with his candidature in the knowledge of the outcome of the Committee majority decision. Candidate No 4 thanked the Interim Chief Executive for his openness and asked if it was okay for him (the Candidate) to speak to the Chief Executive of his current employer authority. The Interim Chief Executive confirmed that this was acceptable. The Interim Chief Executive and Candidate No 4 agreed that Candidate No 4 would contact the Interim Chief Executive by Tuesday, 22 November 2011.</p> <p>The Head of Paid Service, in accordance with the Constitution, sends a letter to Cabinet Members giving until Wednesday, 23 November 2011 for any comments or objections to be submitted (Appendix B attached).</p>
<p>22 November 2011</p>	<p>Candidate No 4 telephoned the Interim Chief Executive to explain that he had considered the position and spoken to his existing Chief Executive. Reluctantly he had concluded that taking the position, if it was formally offered to him after the objection process, would be difficult and potentially untenable. He therefore advised the Interim Chief Executive that he had decided to withdraw.</p>

23 and 24 November 2011	The Members of the Committee were advised of the position and in particular the Interim Chief Executive stated that he had properly and fully explained the deliberations and outcome of the Committee to Candidate No 4. The Interim Chief Executive also indicated that as there was no likelihood of consensus on an alternative candidate, the only sensible course of action was to make no appointment. A member of the Committee, who was unable to attend the Committee meeting on 17 November 2011, was similarly advised of the position.
29 November 2011	Letters were sent to the Committee confirming the position (Appendix C attached) and indicating that given the budget pressures the post would be deleted with effect from 1 April 2012.
Early December 2011	The Interim Chief Executive discussed the way forward in terms of senior management arrangements with the Mayor and it was agreed that any arrangements should be reported to Cabinet in January 2012 for approval. This would enable the Cabinet report to be circulated to Group Leaders for comments prior to Cabinet consideration.
Mid December 2011 – 6 January 2012	The Strategic Human Resources Manager was asked to prepare a report for the Cabinet on 16 January 2012 and the draft report was discussed with the Mayor, the Interim Chief Executive, Legal and Finance Officers, in accordance with the normal sign-off arrangements.
6 January 2012	An e-mail from the Interim Chief Executive was sent to Group Leaders inviting comments on the Cabinet Report so that any views could be reported to the Cabinet on 16 January 2012. Comments/questions were received and dealt with from two Group Leaders.
16 January 2012	A voicemail / follow-up e-mail was sent to the Group Leader who had not commented and a reply was received which indicated that the report had not been fully considered yet.
16 January 2012	Cabinet met and considered the report and approved the recommendations.

Clarification on the delegated authority to the Appointments and Disciplinary Committee and Constitution requirements

- 1.5.5 The Council's Appointments and Disciplinary Committee ("the Committee") is responsible for the appointment of the Council's Chief Executive, Strategic Directors and Heads of Service. The process for the appointment to these roles is described in the Council's Constitution at Part 4.10 – 'Officer Employment Rules of Procedure.' This procedure is in accordance with the requirements of the Local Authorities (Standing Orders) (England) Regulations 2001.
- 1.5.6 These provisions require that where a candidate for one of the senior roles described above has been selected for appointment by the Committee an offer of appointment cannot be made until:
- (a) The Mayor and all members of Cabinet have been notified of the name of the person to whom the Committee wishes the offer of appointment to be made, together with any other particulars relevant to the appointment; and,
 - (b) The Mayor and all members of Cabinet have been advised of a deadline of two working days following such notification, by which time the Mayor (on behalf of herself and the Cabinet) must submit objections to the appointment (if any); and,
 - (c) The Mayor has either:
 - Not objected to the appointment; or,
 - The Mayor has objected to the appointment but the Committee has determined that the objection is not material or well-founded. This would require the Committee to reconvene to make such a determination.
- 1.5.7 In relation to the appointment of the Strategic Director of Strategic Services, the preferred candidate withdrew their application prior to the expiry of the deadline for submission of any objection by the Mayor on behalf of herself and the Cabinet. As a result the Committee was not in a position to finally determine that the post was to be formally offered to the preferred Candidate.

1.6. Decision options:

- 1.6.1 It is recommended that Council notes the content of this report.

1.7 Reasons for recommended option:

- 1.7.1 The report is for information purposes only.

1.8 Appendices:

Appendix A: Senior Management Arrangements, Item 7(c), Cabinet, 16 January 2012

Appendix B: Appointment of Strategic Director of Strategic Services, Letter from Head of Paid Service to All Members of the Cabinet, 18 November 2011

Appendix C: Letter from Interim Chief Executive to All Members of the Appointments and Disciplinary Committee, 29 November 2011

1.9 Contact officers:

Fiona Rooney, Head of Paid Service, Tel. No. 0191 643 5724

1.10 Background information:

The following background papers and research reports have been used in the compilation of this report and are available at the offices of the author:

- (a) North Tyneside Council's Constitution, Part 4.10 Officer Employment Rules of Procedure (P).

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

- 2.1.1 There has been no additional cost of providing this report, other than officer time of the Head of Paid Service, in accordance with the requirements of the position.

2.2 Legal

- 2.2.1 The legal requirements are as set down in sections 1.5.5 to 1.5.7 of this report.

2.3 Consultation/community engagement

Internal consultation

- 2.3.1 The Head of Paid Service has spoken with the Interim Chief Executive, Head of Legal, Governance and Commercial Services and the Strategic Human Resources Manager in order to compile this report to provide clarifications on the process to Members.

Community engagement

2.3.2 There are no Community engagement implications arising from this information only report.

2.4 Human rights

2.4.1 There are no Human Rights implications of this information only report.

2.5 Equalities and diversity

2.5.1 There are no Equality or diversity issues arising from this information only report.

2.6 Risk management

2.6.1 As this is an information only report at this stage, there are no significant risks identified, related to providing this information.

2.7 Crime and disorder

2.7.1 There are no crime and disorder implications identified for this information only report.

2.8 Environment and sustainability

2.8.1 There are no environment or sustainability implications identified for this information only report.

PART 3 - SIGN OFF

- Strategic Director(s)
- Chief Finance Officer
- Monitoring Officer
- Strategic Director with responsibility for Community Engagement

Report Author: Fiona Rooney