

Employment Committee

Minutes of the additional meeting held on Thursday 17 February 2022 at the Town Hall, Royal Leamington Spa at 6.00pm.

Present: Councillor Tracey (Chairman); Councillors; Bartlett, Day, B Gifford, Grey, Hales, Kennedy, and Mangat.

12. Apologies and Substitutes

- (a) apologies for absence were received from Councillor Margrave; and
- (b) there were no substitutes.

13. Declarations of Interest

There were no declarations of interest made.

14. Minutes

The minutes of the meeting held on 28 October 2021 were taken as read and signed by the Chairman as a correct record.

15. Joint Appointments Committee

The Committee considered a report from the Chief Executives of Warwick and Stratford-on-Avon District Councils and Human Resources which brought forward interim proposals to establish a Joint Appointments Committee for Stratford-on-Avon (SDC) and Warwick District Councils (WDC).

The proposals provided an important step in bringing the Councils closer together and provided clarity on decision making relating to employee matters.

Both SDC and WDC had agreed a timetable for the review of individual services for the period up to April 2024. The report also stated that:

"2.12 Ahead of formally scheduled service integrations, it is recommended that Heads of Service begin to prepare their teams and where possible, begin the alignment of working practices, team development, collaboration and knowledge share."

A key part of this integration would be to ensure that consistent policies were in place at both Councils and a key area for this would be those relating to employee matters.

In September 2021 the Employment Committee at WDC and the Employment & Appointments Committee at SDC asked officers to work with the Chairmen of both Committees to bring forward proposals for a joint recruitment process for Joint Heads of Service and Joint Deputy Chief Executives to Council in October 2021 and to bring back proposals for a Joint Employment Committee (JEC).

In drafting details for a joint recruitment process it was identified that this and the proposals for a JEC were interrelated. There were also ongoing discussions in relation to the wider joint governance arrangements for

decision-making, scrutiny and advisory groups with a view to bringing a separate report on those matters to Councillors in April. However, following the recent resignation of the Head of Finance it was considered urgent to bring forward interim proposals specifically for the appointment of senior roles within the Council.

The terms of reference for the Joint Appointments Committee (JAC) were set out in Appendix 1 to the report. Its sole purpose was to enable Councillors from both authorities to have full engagement in any recruitment to Senior Management roles in either Council. The JAC, which must be politically balanced, would comprise 12 Members, with six members appointed by each Council. All 12 would be involved in recruitment to a Head of Paid Service but only six (three from each Council) would be involved in the recruitment to any other post. If Council approved the recommendations, it would also be asked to appoint its Members.

The JAC would be established pursuant to the powers contained in sections 101 and 102 of the Local Government Act 1972. In doing so consideration needed to be given to how its terms of reference would interact with the Constitutions of both Councils.

To provide clarity it was proposed to adopt the joint Constitution that both Councils endorsed in February 2021 for the Joint Cabinet Committee. That constitution needed to be modified slightly as set out in the recommendations. The safeguards within the Constitution provided checks and balances to ensure one Council could not take decisions that go against the direct wishes of the other Council.

The procedure for the appointment of recruiting Chief Officers was attached as Appendix 2 to the report. This was for the Committee to pass comment on. If there was a need to recruit to the Chief Executive/Head of Paid Service role it was envisaged that the document would need to be revised. Any such revisions would be discussed with the Leaders of the two Council's and brought to the Joint Appointments Committee for consideration.

Councillors should have noted that the appointment of the Chairman for the Joint Committee and its sub-committee would be agreed by the Members of those meetings, and that the proposed Constitution said that the Chairmanship would only last until the next meeting of that Committee/Sub Committee.

To be clear, there was no intention at present to abolish the Employment Committee (WDC), the Employment and Appointments Committee as renamed (SDC) or its sub-Committee at present. However, the scope of the general review of joint governance to be undertaken would include the arrangements for employment decision-making bodies.

In terms of alternative options, the Councils could decide not to establish a JAC and instead to remain with separate Employment Committees with their different terms of reference. However, this would mean that only the Members of the authority taking the decision to recruit could vote on the appointment.

The Members/Trade Unions Joint Consultation and Safety Panel supported the recommendations in the report.

The Democratic Services Manager and Monitoring Officer advised that following meetings with Unison/Members, a few spelling and format errors had been spotted with the appendices, and he therefore suggested that an additional recommendation should be included, to read:

“The Committee delegates authority to the Head of People & Communications, in consultation with the Chairmen of the Employment and Appointment Committee (SDC) and Employment Committee WDC to make minor amendments and formatting changes to the documents prior to publication”.

In response to questions from the Committee, the Democratic Services Manager and Deputy Monitoring Officer advised that the Joint Appointments Committee was proposed to include six Councillors from each authority simply to maintain equality from both authorities. This could change to result in the numbers being disproportionate; officers could raise this point and ask that the two Leaders of the Council’s discuss this ahead of the Council meeting the following week. The final decision would need to be taken by both Councils.

The Leader of the Council advised that having six Councillors from each authority did focus minds on building the new Council, but he was mindful that proportionately the population of the new Council would be greater in WDC than SDC, and therefore there would be more Councillors from WDC and the balance of Council would consist with the majority being from WDC as we know it, and therefore for the appointments such as a new Chief Executive, it was important this was understood and reflected. He suggested that he could pick this point up with the Leader at SDC that if there was a Committee appointed for a new Chief Executive, that the chair of that Committee actually sits with a WDC Councillor, rather than alternating in turn who sits as Chair as a way of resolving that proportionality. It was important that residents saw we were thinking about the future of the new Council with those senior appointments.

In response to a further question, the Leader of the Council proposed that to ensure political representation of all five Groups, WDC six Councillors would be made up of the Leader, Deputy Leader and then the Leader of each of the Political Groups, which reflected fairly the way the Council had operated through the Leadership Coordinating Group.

The Democratic Services Manager and Deputy Monitoring Officer confirmed that it was possible for a political group to gift part of their seat allocation as they saw fit to another party. This approach found favour with Members of the Committee. He also advised, in response to a further question, that there was scope to enhance the Feedback to Candidates section in appendix 2 to the report, to set out more how we dealt with unsuccessful candidates, and this could be discussed in the clarification with the Chairman of both Employment Committees.

It was proposed by Councillor Hales and seconded by Councillor Bartlett, and it was

Recommended to Council that, subject to Stratford-on-Avon District Council resolving on the same terms as set out below:

- (1) a Joint Appointments Committee of 12 councillors (6 from each authority, which must include both Leaders) with terms of reference as set out below and detailed at Appendix 1, be established:
 - (a) to agree any revisions to the procedures for the appointment to any roles listed in (b);
 - (b) to appoint Chief Executive, Deputy Chief Executives, Programme Director for Climate Change and Heads of Service ("Chief Officers") in line with adopted procedures; and
 - (c) to recommend to Council the appointment of the Head of Paid Service, Monitoring Officer or Chief Finance Officer in line with adopted procedures.

- (2) the Constitution for this Joint Committee as previously endorsed by WDC and SDC for the Joint Cabinet Committee in February 2021, be adopted, subject to the minor amendments as set out below:
 - (a) the Committee is directed to appoint a subcommittee of 6 members, in respect of all recruitment, save for the Chief Executive/Head of Paid Service role where the Joint Appointments Committee will make the appointment;
 - (b) the Chairman of the Committee (or its Sub-Committee) shall have a casting vote but they are expected to use it to align with the outcome of the overall scoring for candidates participating in the recruitment process unless they can provide good reason not to; and
 - (c) all members of the Committee must have undertaken appropriate training on recruitment and selection with the respective Council, prior to participating in a recruitment process.

- (3) 6 members from each Council be appointed to the Joint Appointments Committee in accordance with paragraph 1.5 of the report;

- (4) the terms of reference for the Employment Committee be revised so that it excludes the matters delegated to the Joint Appointments Committee; and
- (5) the Monitoring Officer be authorised to update the Constitution, including any consequential amendments required as a result of the above, accordingly.

Resolved that

- (1) the process for recruitment of Chief Officers, as set out at Appendix 2 to the report, be approved; and
- (2) authority be delegated to the Head of People & Communications, in consultation with the Chairmen of the Employment and Appointment Committee (SDC) and Employment Committee (WDC) to make minor amendments and formatting changes to the documents prior to publication.

(The meeting ended at 6.16pm)

CHAIRMAN

15 March 2022

**Joint Appointments Committee
Terms of Reference**

The Joint Appointments Committee of Stratford-on-Avon and Warwick District Councils has been created under sections 101 and 102 of the Local Government Act 1972 and all other relevant legal powers, following decisions taken by the respective Council in February 2022.

The purpose of the Joint Committee at present is to enable the two Council's to undertake joint recruitment process for Chief Officers of the Council's.

The Joint Committee will not at present undertake any other function than those defined within the terms of reference below and as defined by law.

The Constitution for the Joint Committee includes a set of standing orders that takes precedence over the respective constitutional documents of each of the two councils. However, where the Constitution for the Joint Committee is silent on an issue, the Constitution of each respective Council will take precedence.

The purpose and functions of the Joint Appointments Committee are :

- (a) To agree the procedures for the appointment to any roles listed in (b)
- (b) To appoint Chief Executive, Deputy Chief Executive's, Programme Director for Climate Change and Heads of Service ("Chief Officers") in line with adopted procedures; and
- (c) To recommend to Council the appointment of the Head of Paid Service, Monitoring Officer or Chief Finance Officer in line with adopted procedures.