

Committee: Audit & Standards

Date: Thursday, 26
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Title: Appointments Committee – Provision of
Substitutes for Interview Panels

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Summary

1. This paper identifies an operational problem in the selection of Appointment Committee Panels, which need to be convened from time to time to consider specific appointment interviews in relation to Chief Officer and Statutory Officer posts.
2. The issue relates to the provision of Cabinet member participation at the interview stage, whereby the appointment directly corresponds to a Cabinet member's portfolio. As the Appointment Committee is a committee of Council it is subject to political balance requirements, which will result, now and in future, in a committee that does not necessarily include each portfolio holder.
3. To ensure that Cabinet members can sit on interview panels which correspond directly to their portfolios, this paper proposes an amendment to the 'Appointment of Substitutes' procedure rules, which would permit all Cabinet members to sit on the Appointment Committee's interview panels by way of being an automatic substitute. In the interest of balance, the two substitute member limit will be removed for the Appointments Committee only, to allow Opposition Groups to also expand their substitute pool if they so wish.

Recommendation

4. That Audit and Standards recommends to full Council that it approves the amended procedure rule in regards to the appointment of substitutes for the Appointments Committee only (Appendix A).

Financial Implications

5. Nil

Background Papers

6. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.
 - The Council's Constitution
 - The Protocol for appointing Members to Panels

Impact

7.

Communication/Consultation	Nil
Community Safety	Nil
Equalities	Nil
Health and Safety	Nil
Human Rights/Legal Implications	The proposed amendment has been drafted with consideration to the following legislation: S102 Local Government Act 1972 S13 Local Government and Housing Act 1989 S9C Local Government Act 2000
Sustainability	Nil
Ward-specific impacts	All wards
Workforce/Workplace	The adoption of this revised procedure rule will allow flexibility in regards to member appointments to interview panels. Primarily, this will ensure that the relevant Cabinet member can participate in the interview process for appointments corresponding to their portfolio but it will also allow opposition groups to expand their substitute pool in respect of the Appointments Committee.

Situation

8. The Appointments Committee will only be convened in the event an appointment to a Chief Officer or Statutory Officer role is required.
9. Chief Officers are defined as those officers who are reporting directly to the Chief Executive, "Strategic Directors reporting directly to the Chief Executive...will be designated chief officers".
10. In addition to Chief Officer appointments, Statutory Officer appointments will be considered by a sub-committee of the Appointments Committee. Statutory Officer posts are the Chief Executive, Monitoring Officer and Chief Financial Officer. However, these appointments differ from Chief Officer appointments as Statutory Officer posts are ultimately approved by full Council.

11. The appointment of Chief Officers is subject to mandatory standing orders, as follows:
- 4.1 A committee or sub-committee of the Council will appoint chief officers. That committee or sub-committee must include at least one member of the executive.
- 4.2 An offer of employment as a chief officer shall only be made where no well-founded objection from any member of the executive has been received.
12. The Council facilitates such appointments through its Appointments Committee; in the event a relevant appointment arises, the Appointments Committee is convened and a sub-committee is selected to form an interview Panel in accordance with the Panel Selection Protocol (Appendix B).
13. The Appointments Committee is currently composed of seven members with 4 Residents for Uttlesford, 2 Conservative and 1 Liberal Democrat member and such appointments require the approval of full Council.
14. Cabinet membership is regulated by the Local Government Act 2000 (Chapter 2, 9C) and stipulates that between 2 and 10 members can form the executive. The number of members in the Cabinet is determined by the majority group Leader.
15. As the Appointments Committee is a committee of Council it is subject to political balance. It will therefore not always be possible to appoint all Cabinet members to the Appointments Committee, and this problem will potentially be exacerbated in future if an administration expands Cabinet membership or the political balance calculation is changed following an election. To ensure the relevant Cabinet member can sit on an interview Panel where the appointment directly corresponds to their portfolio, it is proposed to expand the substitute provision for the Appointments Committee only and to automatically appoint any Cabinet member who is not put forward as a member of the substantive committee. In the interest of balance, the two substitute limit will also be removed for the Appointments Committee only, to allow Opposition Group Leaders to nominate a larger number of substitute members if they so wish. The interview Panel will still be selected in accordance with the constituted protocol attached as Appendix B.

Risk Analysis

16.

Risk	Likelihood	Impact	Mitigating actions
Chief Officer appointments are subject to mandatory	2	2	To amend the substitute

<p>standing orders which must be adhered to. The change proposed will allow a degree of flexibility in future but primarily is intended to ensure members with relevant roles or expertise to the appointment can directly participate in the interview process.</p>			<p>procedure rule and apply the Panel Selection protocol in accordance with statutory and constitutional requirements.</p>
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- 1 = Little or no risk or impact
- 2 = Some risk or impact – action may be necessary.
- 3 = Significant risk or impact – action required
- 4 = Near certainty of risk occurring, catastrophic effect or failure of project.