

# Selection Committee

## Agenda



**Date:** Friday, 3 November 2017

**Time:** 10.00 am

**Venue:** City Hall, College Green, Bristol BS1 5TR

### **Distribution:**

**Councillors:** Asher Craig, Kye Dudd, Richard Eddy, Gary Hopkins and Paula O'Rourke, 2 x members to be advised

**Copies to:** James Brereton (HR Advisor - HR Policy and Engagement), Mark Williams (People Business Partner), Shahzia Daya (Service Director - Legal and Democratic Services) and Nancy Rollason (Service Manager Legal)

**Issued by:** Steve Gregory, Democratic Services  
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**Date:** 26 October 2017



# Agenda

## 1. Election of Chair

To elect a Chair for the purpose of the Interview Panel.

## 2. Membership of the Committee

To note the membership of the Selection Committee.

## 3. Apologies for absence and substitutions

## 4. Terms of Reference

To note the Committee’s Terms of Reference as approved at Full Council on 23 May 2017. **(Page 3)**

## 5. Declarations of Interest

To note declarations of interest.

## 6. Designation of Head of Paid Service

**(Pages 4 - 7)**



## **SELECTION COMMITTEE**

### **Terms of Reference**

#### **Overview**

In accordance with the Officer Employment Rules (OER) –

- (a) Interviewing applicants for chief officer and deputy chief officer posts;
- (b) The appointment of chief officers and deputy chief officers, except those officers designated as follows:-

- Head of Paid Service
- Chief Finance Officer
- Monitoring Officer
- Returning Officer for local government elections
- Electoral Registration Officer;

- (c) In the case of appointments designated in (b) above, recommendation to full Council in accordance with OER4.

#### **Functions**

Full Council has delegated the following functions to the Selection Committee to the extent specified above:

1. Duty to designate officer as the monitoring officer (s.5(1) Local Government and Housing Act 1989);
2. Duty to appoint and electoral registration officer (s.8(2) Representation of the People Act 1983);
3. Duty to appoint a returning officer for local government elections (s.35) Representation of the People Act 1983);
4. Duty to designate officer as the head of the authority's paid service (s.4(1) Local Government and Housing Act 1989).
5. The power to appoint chief officers and deputy chief officers and to determine the terms and conditions on which they hold office (section 112 of the Local Government Act 1972).

# Selection Committee

3<sup>rd</sup> November 2017



**Report of:** John Walsh, Service Director, HR and Workforce

**Title:** Designation of Head of Paid Service

**Ward:** n/a

**Officer Presenting Report:** Mark Williams

**Contact Telephone Number:** 07970 721680

## Recommendation

That the Committee recommends to full Council the Head of Paid Service designation be rotated between the three Strategic Directors on an equal basis until such time as permanent appointments have been made.

## Summary

The Committee is asked to agree interim arrangements for the Head of Paid Service designation for recommendation to full Council.

## The significant issues in the report are:

- The law requires that the appointment or dismissal of the Head of Paid Service be made by a meeting of the full Council.
- There is no additional remuneration for the role of Head of Paid Service.
- The Head of Paid Service has 3 distinct roles:
  - Decision-maker in relation to posts below deputy chief officer (and responsible officer for the grant and supervision of exemptions from political restriction)
  - Principal advisor to the Council on staffing matters (except in respect of own pay and conditions of service)
  - Consider whether they should issue a formal "Section 4" report to the Council for its consideration regarding the proposals of the Head of Paid Service on how the Council's functions should be co-ordinated, the number and grades of staff required, and how those staff should be organised, appointed and managed.

## **Policy**

1. The Selection Committee is responsible for recommending the appointment of the Head of Paid Service to the Full Council.

## **Consultation**

2. **Internal**  
The "Executive Objections Procedure" (Annex 1 to the Officer Employment Rules within the Council's Constitution) is to be followed.
3. **External**  
Not applicable.

## **Context**

4. The Council is required to appoint a Head of Paid Service.
5. The Head of Paid Service has 3 distinct roles:
  - 5.1. Decision-maker in relation to posts below deputy chief officer (and responsible officer for the grant and supervision of exemptions from political restriction)
  - 5.2. Principal advisor to the Council on staffing matters (except in respect of own pay and conditions of service)
  - 5.3. Consider whether they should issue a formal "Section 4" report to the Council for its consideration regarding the proposals of the Head of Paid Service on how the Council's functions should be co-ordinated, the number and grades of staff required, and how those staff should be organised, appointed and managed.
6. There is no additional remuneration for the role of Head of Paid Service.
7. Under proposals published on 11<sup>th</sup> October 2017, all current substantive chief officers and deputy chief officers are subject to a review/re-design of the Council's management structure.

## **Proposal**

8. That the Committee recommends to full Council the Head of Paid Service designation be rotated between the three Strategic Directors on an equal basis until such time as permanent appointments have been made.

## **Other Options Considered**

9. None. The Council's three Strategic Directors are the most senior officers employed by the Council and as such are the most appropriate officers to fulfil the designation of Head of Paid Service on a rota basis until such time as a permanent full time appointment is made as part of the senior management restructure.

## Risk Assessment

10. The risk of not appointing a Head of Paid Service is that the Council will be in derogation of law and that decisions regarding the appointment, management and organisation of staff below deputy chief officer will not be taken.

## Public Sector Equality Duties

- 11a) Before making a decision, section 149 Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following “protected characteristics”: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:
- i) Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.
  - ii) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to --
    - remove or minimise disadvantage suffered by persons who share a relevant protected characteristic;
    - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);
    - encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
  - iii) Foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to --
    - tackle prejudice; and
    - promote understanding.
- 11b) An equality impact assessment has not been undertaken in relation to this proposal because it concerns a very small number of individuals.

## Legal and Resource Implications

### Legal

*“The Local Authorities (Standing Orders) (England) Regulations 2001 set out the procedure a local authority must follow when appointing its head of paid service. These are mirrored in the Council’s constitution. This report ensures the Council meet its legal requirement to appoint a Head of Paid Service.”*

Advice provided by Husinara Jones (Lawyer (Employment)), 25<sup>th</sup> October 2017.

**Financial**

**(a) Revenue**

*"There are no financial implications of this report as there is no change to current pay awarded as a result of this designation."*

**(b) Capital**

Not applicable.

Advice provided by Kevin Lock (Finance Business Partner), 25<sup>th</sup> October 2017.

**Land**

Not applicable.

**Personnel**

*"The personnel implications of this appointment are set out in the report."*

Advice provided by Mark Williams (HR Business Partner), 25<sup>th</sup> October 2017.

**Appendices:**

None.

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**Background Papers:**

None.