

28 November 2012		ITEM: 12
Council		
ESTABLISHMENT OF A JOINT APPOINTMENTS COMMITTEE WITH THE LONDON BOROUGH OF BARKING AND DAGENHAM		
Report of: Graham Farrant, Chief Executive		
Wards and communities affected: None	Key Decision: Non-key	
Accountable Head of Service: Fiona Taylor, Head of Legal & Democratic Services and Monitoring Officer		
Accountable Director: Graham Farrant, Chief Executive		
This report is public		
<i>If the report, or a part of this, has been classified as being either confidential or exempt by reference to the descriptions in Schedule 12A of the Local Government Act 1972, it is hereby marked as being not for publication. The press and public are likely to be excluded from the meeting during consideration of any confidential or exempt items of business to which the report relates.</i>		
Date of notice given of exempt or confidential report: Not applicable		
Purpose of Report: This report seeks the approval of the Council to the establishment of a 'Joint Appointments Committee' to facilitate any appointments at Chief Officer and Deputy Chief Officer level which the Council will seek to make jointly with the London Borough of Barking and Dagenham under a shared service or other arrangement.		

EXECUTIVE SUMMARY

The Cabinet recently authorised the Chief Executive, acting in consultation with the Leader of the Council, to consult and negotiate with the leadership of the London Borough of Barking and Dagenham to consider the potential for further joint management of the two Councils (Minute No.20 refers).

The General Services Committee met on 17 July 2012 to consider the arrangements that were required to be made between the two authorities to facilitate the appointment to the shared post of Head of Legal and Democratic Services. At its meeting, the Committee resolved that governance arrangements for shared

appointments be considered and reviewed by both Thurrock and the London Borough of Barking and Dagenham before further shared or joint appointments are made (Minute No.10 refers).

This report therefore seeks the approval of the Council to the establishment of a 'Joint Appointments Committee'. The purpose of such a Committee would be to facilitate any appointments at Chief Officer and Deputy Chief Officer level which the Council will seek to make jointly with the London Borough of Barking and Dagenham under a shared service or other arrangement.

It is recommended that the 'Joint Appointments Committee' be established under Section 102 of the Local Government Act 1972 and that its membership be drawn from the respective authorities. Joint Committees are generally politically balanced. However, the Leader of the Council in Thurrock has proposed that four Members be nominated from Thurrock Council with two Members being from the Labour Group and two Members from the Conservative Group.

1. RECOMMENDATIONS:

- 1.1 That, subject to the concurrent approval of the London Borough of Barking and Dagenham, the Council agree to establish a 'Joint Appointments Committee' for the purpose of interviewing and making an appointment of all relevant staff at Chief Officer and Deputy Chief Officer level in respect of those posts serving both authorities jointly under any shared service or other arrangement.**
- 1.2 That the terms of reference for the Joint Appointments Committee be approved as set out at Appendix A to the report.**
- 1.3 That the Joint Appointments Committee comprise a total of eight councillors appointed, with four Members being appointed by each authority.**
- 1.4 That two Labour Members and two Conservative Members be nominated from Thurrock Council.**
- 1.5 That the nominations of political groups to the Joint Appointments Committee, to be received at the meeting, be approved.**
- 1.6 That the venue and Chair of the Joint Appointments Committee alternate between the two authorities and that the Leader of the Council be appointed to this position by Thurrock Council.**
- 1.7 That, subject to the agreement of the London Borough of Barking and Dagenham, meetings of the Joint Appointments Committee be conducted in accordance with the constitutional provisions of both authorities.**
- 1.8 That a further report be presented to a future meeting of the Council addressing the differing arrangements currently in place in both**

authorities for appointing the Chief Executive (Head of Paid Service), as well as the structures for dealing with issues regarding disciplinary matters, appeals, gradings and conditions.

- 1.9 That the Monitoring Officer be authorised to make any consequential amendments to the Council’s Constitution as may be required following the establishment of the Joint Appointments Committee.**

2. INTRODUCTION AND BACKGROUND:

- 2.1 At its meeting on 11 July 2012, the Cabinet agreed that the Chief Executive, acting in consultation with the Leader of the Council, be authorised to consult and negotiate with the leadership of the London Borough of Barking and Dagenham to consider the potential for further joint management of the two Councils.
- 2.2 More recently on 17 July, the General Services Committee were requested to consider arrangements for the appointment to the shared post of Head of Legal and Democratic Services with the London Borough of Barking and Dagenham. The agreed option to facilitate the process to its conclusion was to appoint to an interview panel to sit alongside the JNC Appointments Panel of the London Borough of Barking and Dagenham for the purpose making the appointment.
- 2.3 The General Services Committee have resolved that governance arrangements for shared appointments be considered and reviewed by both Thurrock and the London Borough of Barking and Dagenham before further shared or joint appointments are made. The proposal for a Joint Appointments Committee between the two authorities would provide an established and properly constituted means for such appointments to be made in the future.
- 2.4 In August a panel of Members from both Authorities successfully appointed the Head of Legal and Democratic Services following the process outlined in paragraph 2.2 above.
- 2.5 On 11 September 2012 the Chief Executive presented a report to the Corporate Overview and Scrutiny Committee setting out the Terms of Reference for exploring shared services with the London Borough of Barking and Dagenham. That report also recommended that joint appointment processes be set up.
- 2.6 This report recommends that a ‘Joint Appointments Committee’ be established with the London Borough of Barking and Dagenham under Section 102 of the Local Government Act 1972 and that its membership be drawn from the respective authorities, with the appointments from Thurrock to depart from the usual rules around political proportionality.

3. ISSUES, OPTIONS AND ANALYSIS OF OPTIONS:

- 3.1 Terms of Reference for a Joint Appointments Committee have been prepared and are attached at **Appendix A** to this report. Approval is sought for the terms of reference to be included within Chapter 5, Part 5 of the Council's Constitution.
- 3.2 Under the current constitutional arrangements of both authorities, different processes and structures are in place for appointing the Chief Executive (Head of Paid Service), as well as for dealing with issues around disciplinary matters, appeals gradings and conditions. These issues will need to be reviewed for consistency and appropriateness between both authorities and any recommendations for changes will be presented to a future meeting of the Council.
- 3.3 It is proposed that the membership of the joint committee be eight elected members, with four members being nominated by each authority. The Leader of the Council has recommended that two Labour Members and two Conservative Members be nominated from Thurrock Council, thereby departing from the normal political balance rules.
- 3.4 It is further proposed that the venue of meetings, together with the chairmanship of the Joint Committee alternates between the two Councils.
- 3.5 Subject to the concurrence of London Borough of Barking and Dagenham, the meetings of the Joint Appointments Committee are to be conducted in accordance with the constitutional provisions of both authorities.
- 3.6 The Joint Committee could be serviced by staff from either Council.
- 3.7 The alternative to establishing a joint committee to appoint Chief Officer and Deputy Chief Officer posts serving both authorities under any shared service or other arrangement would be to continue the practice of setting up separate committees from both authorities. However, given the need for good governance and administrative convenience, this is not considered to be an appropriate option.

4. REASONS FOR RECOMMENDATION:

- 4.1 The Council are requested to agree to the creation of a Joint Appointments Committee with the London Borough of Barking and Dagenham to facilitate any appointments at Chief Officer and Deputy Chief Officer level which the Council will seek to make jointly with the London Borough of Barking and Dagenham under a shared service or other arrangement. The appointment of a Joint Committee is a function reserved to the Council.

5. CONSULTATION (including Overview and Scrutiny, if applicable)

- 5.1 Members of the General Services Committee discussed the provision for a Joint Appointment Committee at their meeting on 17 July 2012. The Corporate Overview and Scrutiny Committee also considered a report from the Chief Executive on the Terms of Reference for exploring shared services with the London Borough of Barking and Dagenham. That report also recommended that joint appointment processes be set up.

6. IMPACT ON CORPORATE POLICIES, PRIORITIES, PERFORMANCE AND COMMUNITY IMPACT

- 6.1 The proposals for joint working with the London Borough of Barking and Dagenham under any shared service or other arrangement have the potential to unlock new ways of delivering the council's corporate policies and priorities. To facilitate the appointment of relevant staff at Chief Officer and Deputy Chief Officer level in respect of those posts serving both authorities, it is essential that good governance is followed.

7. IMPLICATIONS

7.1 Financial

Implications verified by: **Sean Clark**
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There are no financial implications arising from this report.

7.2 Legal

Implications verified by: **David Lawson**
 Telephone and email: **(01375) 652087**
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Local authorities may make arrangements for the discharge of their functions through a joint committee pursuant to the Local Government Act 1972. The number of members of the joint committee, their term of office, and the area within which the joint committee shall exercise authority must be fixed by the appointing authorities.

7.3 **Diversity and Equality**

Implications verified by: **David Lawson**
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David.lawson@bdtlegal.org.uk

There no direct diversity implications noted in this report. However both local authorities are under a statutory duty to ensure that statutory equality duties are properly implemented.

7.4 **Other implications (where significant) – i.e. Section 17, Risk Assessment, Health Impact Assessment, Sustainability, IT, Environmental**

None identified at this stage.

BACKGROUND PAPERS USED IN PREPARING THIS REPORT (include their location and identify whether any are exempt or protected by copyright):

- None

APPENDICES TO THIS REPORT:

- Appendix A – proposed terms of reference for the Joint Appointments Committee

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Appendix A

5.	JOINT APPOINTMENTS COMMITTEE	
Appointed by: The Council under section 102 of the Local Government Act 1972	Number of Elected Members: Eight (4 to be appointed by each Council)	
Chair and Vice-Chair appointed by: The Council (to alternate between the two authorities)	Political Proportionality: The elected Members shall be appointed in accordance with Political Proportionality or otherwise agreed	
Quorum: 4 members, 2 from each Council	Co-opted Members to be appointed by Council: None	
<p>Functions determined by Council:</p> <p>In respect of staff employed in posts serving Thurrock Council and the London Borough of Barking and Dagenham Council jointly under a shared service or other arrangement:</p> <ol style="list-style-type: none"> 1. To be responsible for the selection and appointment of all relevant staff at Chief Officer and Deputy Chief Officer level, as detailed in the Employment Rules in Chapter 10. 2. To agree a short-list of candidates drawn from a long-list of candidates submitted by the Chief Executive or any appointed consultants. 3. To interview the agreed short-list of candidates and agree the appointment of the preferred candidate. 4. To make recommendations to the respective Councils for confirmation of the appointments of the Chief Executive, Directors, the Section 151 Officer and the Monitoring Officer. 5. The Chair of the Joint Committee shall not exercise a casting vote and in cases where the Joint Committee cannot reach agreement on any matter it is to be referred back to the two authorities relevant appointments committees, namely the General Services Committee in Thurrock Council and the JNC Appointments Committee in the London Borough of Barking & Dagenham, for alternative arrangements to be considered. 6. The meetings of the Joint Appointments Committee shall be conducted in accordance with the constitutional provisions of each authority. 		
Functions determined by Statute		