

ASSEMBLY

10 October 2012

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| Title: ESTABLISHMENT OF A JOINT APPOINTMENTS COMMITTEE WITH THURROCK COUNCIL | |
| Report of: The Chief Executive | |
| Open | For Decision |
| Wards Affected: None | Key Decision: No |
| Report Author: John Dawe | Contact Details: Tel: 020 8227 2135 E-mail: john.dawe@lbbd.gov.uk |
| Accountable Divisional Director: | Fiona Taylor , Head of Legal and Democratic Services |
| Accountable Director: | The Chief Executive |
| Summary: This report seeks the approval of the Assembly 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 Thurrock Council under shared services or other arrangement. | |
| Recommendation(s) That, subject to the concurrent approval of Thurrock Council, the Assembly to agree that: (i) a Joint Appointments Committee be established for the purpose of interviewing and making appointments 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, (ii) the terms of reference and membership of the Joint Committee be approved as set out in Appendix A to the report, (iii) a further report will be presented to a future meeting addressing the differing arrangements currently in place in both authorities for appointing the Chief Executive (Head of Service), as well as the structures for dealing with issues of JNC disciplinary, appeals, gradings and conditions; (iii) the venue and Chair of the Joint Committee alternate between the two authorities, with the Leader of the Council being appointed to this position by Barking and Dagenham, | |

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| (iv) meetings of the Joint Appointments Committee be conducted in accordance with the constitutional provisions of both authorities, and |
| (v) the Monitoring Officer be authorised to make any consequential amendments to the Council's Constitution as are necessary. |

Reason(s)

The appointment of a Joint Committee is a function reserved to the Assembly

1. Introduction and background

- 1.1 Following the resignation of the former Chief Executive discussions took place between the Leader and the Leader of Thurrock Council about the potential of sharing the role of Chief Executive. The outcome of the discussions was that a meeting of the JNC Appointments Panel on 11 July 2012 agreed to appoint Graham Farrant to the post of joint Chief Executive on the basis going forward of exploring the potential for further shared management arrangements between the two authorities.
- 1.2 With that in mind more recently following the resignation of Tasnim Shawkat it was agreed to continue with the shared arrangements for the post of Head of Legal and Democratic Services and Monitoring Officer. The agreed option available to facilitate the process to its conclusion was to appoint to a JNC Appointments Panel to sit alongside an Appointments Committee of Thurrock Council for the purposes of making the appointment. This took place on 14 August 2012 in respect of which Fiona Taylor was successful.
- 1.3 On 27 September 2012 the Chief Executive presented a report to PAASC setting out the terms of reference for exploring shared services with Thurrock Council. That report also recommended that joint appointment processes be set up.
- 1.4 This report recommends that a Joint Appointments Committee be established with Thurrock Council under Section 102 of the Local Government Act 1972, and that its membership be drawn from the respective authorities.

2. Proposal and issues

- 2.1 Terms of Reference for a Joint Appointments Committee have been prepared and are attached at **Appendix A** to this report. They seek to strike a balance between the established appointment practices in both authorities. In that respect under current constitutional arrangements different processes are in place for appointing the Chief Executive (Head of Service), as well as the structures for dealing with issues of JNC disciplinary, appeals, gradings and conditions. These will need to be reviewed for consistency and appropriateness between both authorities, and any recommendations for change will be presented to a future meeting of the Assembly.

- 2.2 It is proposed that the membership of the joint committee be eight elected members, with four members being nominated by each authority. In line with the previous membership of the JNC Appointments Panel it is proposed that Barking and Dagenham's membership should comprise the Leader and Deputy Leader of the Council, the relevant Portfolio Holder plus another councillor to be identified and appointed as required. A similar report to a meeting of Thurrock Council will, on their Leader's recommendation, propose that two Labour Members and two Conservative Members should be appointed, thereby departing from their normal political balance rules.
- 2.3 It is further proposed that the venue and chairmanship of the Joint Committee alternates between the Leaders' of the two authorities.
- 2.4 Subject to the concurrence of Thurrock Council the meetings of the Joint Committee are to be conducted in accordance with the constitutional provisions of both authorities
- 2.5 The Joint Committee could be serviced by staff from either authority.
- 2.6 Approval is sought for the terms of reference to be included in the Council's Constitution.

3. Options Appraisal

- 3.1 The alternative to establishing a joint committee to appoint to Chief and Deputy Chief Officer (JNC) posts serving both authorities jointly under any shared service or other arrangement would be to continue setting up separate committees from both authorities. However given the need for good governance and administrative convenience, this is not considered as an appropriate option.

4. Consultation

- 4.1 PAASC considered a report from the Chief Executive on the terms of reference for exploring shared services with Thurrock Council. That report also recommended that joint appointments processes be set up.

5. Financial Implications

Implications completed by Ranjit Solomon
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There are no financial implications arising from this report

6. Legal Implications

Implications completed by David Lawson
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Local authorities may make arrangements for the discharge of their functions through joint committees established under Section 102 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. Other Implications

None

Background Papers Used in the Preparation of the Report:

None

List of appendices:

Appendix A: Proposed terms of reference