

Employment Committee Minutes

Date: Wednesday 27 January 2021

Time: 3.00pm – 4.08pm

Present: Councillor Lewis Herbert, Councillor Anna Bailey, Councillor Kim French, Councillor Roger Hickford (Substituting for Councillor Steve Count), Councillor John Holdich, Councillor David Keane, Mayor James Palmer (Chairman) and Councillor Bridget Smith.

Apologies: Councillor Steve Count

13. Announcements, Apologies for Absence and Declarations of Interest

Apologies were received from Councillor Steve Count, Councillor Roger Hickford attended as substitute.

Councillor Bailey declared a non-statutory disclosable interest on item 4 of the agenda as she was the Leader of East Cambridgeshire District Council, and the Council would need to give consent for recommendation (f) of the report.

14. Minutes of the Employment Committee meeting on 26 March 2019

The minutes of the meeting on 26 March 2019 were approved as an accurate record. A copy will be signed by the Chairman when it is practical to do so.

15. Public Questions

No public questions were received.

16. Process for Appointment of a Permanent Chief Executive

The Committee received a report that advised on the Committee's role in the process for the appointment of a permanent Chief Executive for the Combined Authority, as set out in the Officer Employment Procedure Rules, and invited the Committee to approve and/or modify the proposed Job Description and approve the salary scale for the role.

The Mayor advised that officers had made a recommendation to amendment recommendation (e) in the report to include the following words bold:

- e) To grant the Human Resources Manager delegated authority, in consultation with the Mayor, to vary the indicative timetable at paragraph 2.10 of the report should either the Mayoral election in May be postponed due to the Covid-19 pandemic **or if so required, following further discussions with MHCLG.**

The Mayor explained that officers had advised that the amendment was necessary as officers were still in communication with the Ministry for Housing Communities and Local Government (MHCLG) about the indicative timetable for the appointment of a permanent Chief Executive. The Mayor stated that MHCLG had arranged a meeting with CPCA officers that evening to discuss the practical issues arising from completing the appointment process after the election and before the constituent councils and the Combined Authority had all completed their AGMs.

Introducing the report the Deputy Monitoring Officer drew the Committee's attention to paragraph 2.1 in the report which included the review of the current Chief Executive arrangements by 31 May 2021. The Deputy Monitoring Officer highlighted the Officer Employment Procedure Rules in the Combined Authority's Constitution in relation to the recruitment of Senior Officers, set out at 2.3 of the report, and subsequently the Committee's role in the recruitment process, as set out at 2.5 of the report. The Deputy Monitoring Officer also drew the Committee's attention to the letter received on 13 July 2020 to the Mayor, from the then Minister for Regional Growth and Local Government, as set out at 2.6 of the report. The Deputy Monitoring Officer highlighted the job description set out in appendix A of the report and the salary scale, at 2.9 of the report. The Deputy Monitoring Officer explained the timetable for recruitment set out at 2.10 of the report and stated that there were ongoing discussions with MHCLG in relation to the practical difficulties with meeting the May deadline due to the Mayoral and Local Elections, due to take place on 6 May 2021 and the requirement for the Constituent Authorities to hold their AGMs in the May period with the last being held on 27 May 2021. The Deputy Monitoring Officer explained that the Combined Authority AGM would then need to take place following this date. The Deputy Monitoring Officer also highlighted the possibility of the elections being postponed due to the ongoing COVID pandemic.

In discussing the report;

- Councillor Smith queried wording at 2.5 of the report, at the 3rd bullet point which stated that part of the Employment Committee's role would include 'shortlisting and final interview of candidates' and stated that this contradicted the wording in recommendation (d) which read 'To grant the Human Resources Manager delegated authority, in consultation with the Mayor, to shortlist candidates for the role. Councillor Smith stated that the letter from the then Minister for Regional Growth and Local Government requested a full, open and transparent process and that in her opinion delegating shortlisting to the Human Resources Manager, in consultation with the Mayor was neither open or transparent. Councillor Smith explained that she had looked at how other Combined Authorities had managed their recruitment processes for Chief Executive roles and that the recruitment process had involved a number of members of their Board as well as a number of Chief Executives from Partner Authorities. The Solicitor advised that it was the decision of the Employment Committee to determine how the process should be managed and that the delegation for shortlisting was due to the tight timetable. The Mayor stated that he found it a strange consideration that Chief Executives from other authorities should be on the panel.

- Councillor Herbert explained that he had written to all Members of the Combined Authority Board in relation to the recruitment process as this was a really important appointment and he felt that transparency required Board involvement in shortlisting. Councillor Herbert stated that shortlisting could be manipulated and that he had not been happy with how it had been done in the past. He also stated that it was crucial that the final panel for interviewing should be involved in the shortlisting. He explained that he would be unable to support the report recommendations if recommendation (d) was not reviewed. The Mayor queried what process had been used at Cambridge City Council for the recent recruitment process for the new Chief Executive. Councillor Herbert stated that Human Resource Colleagues had worked with the Employment Committee to shortlist a range of applications. The Mayor questioned whether the Employment Committee had sifted through all of the applications. Councillor Herbert stated that they triaged the applications and that there had been 10 potential candidates and that there had been a long list of 8 which had then shrunk to 4. The Mayor queried what Councillor Herbert meant by triaging. Councillor Herbert explained that the Human Resources Manager had sifted through the candidates and given the Committee 'Should interview' 'Could interview' and a 'Don't interview' lists. Councillor Herbert stated that the current recommendation denied the Employment Committee of any input into the shortlisting process.
- Councillor Smith formally proposed an amendment to recommendation (d) of the report to state that 'shortlisting should be the responsibility of the Employment Committee, assisted by a sample of partner Council Chief Executives and the Head of HR. Councillor Herbert seconded Councillor Smith's amendment and reserved the right to move an additional amendment if the initial amendment was unsuccessful. The Solicitor advised the Committee that there was an option to have a Stakeholder Panel to support the Committee in its decision making.
- Councillor Bailey queried whether Councillor Smith was now amending the amendment by suggesting a Stakeholder Panel should be involved in the process. She questioned the role of a Stakeholder Panel and how this would work with the current timetabling. The Deputy Monitoring Officer explained that the Committee would be required to vote on Councillor Smith's initial amendment or withdraw it.
- Councillor Holdich stated that the process that had been put forward was not an uncommon process but that he was concerned that there was a timing issue and that it would be difficult to involve all Council Leaders as officers would not know who they would be due to the elections. Councillor Holdich commented that the timetable would need to be extended.
- Councillor Hickford also raised his concerns in relation to the timing of the process and queried whether the inclusion of Stakeholder Panel expanded the timescales. The Solicitor stated that including a Stakeholder Panel would not extend the timescales and that officers would come back to seek views from Members in terms of who would sit on the panel.

- Councillor Smith agreed to withdraw her amendment in order to bring forward an alternative amendment to recommendation (d) to include the Stakeholder Panel in the recruitment process.
- The Mayor queried who would be involved in the Stakeholder Panel and how would they be involved in the process? The Solicitor clarified that a Stakeholder Panel would involve Constituent Council Chief Executives, the Chair of the Business Board and other local Business Leads. The Solicitor explained that the Stakeholder Panel would offer a perspective outside of the direct governance of the Combined Authority and they would have no decision-making powers. The Solicitor clarified that the panel's views would be fed back to the interview panel ahead of the interview stage.
- Councillor Bailey queried the process for getting from the long list of applicants to the shortlist and whether it was paper based? The Solicitor stated that it was the decision of the Committee to agree whether they were happy for the Human Resources Manager and the Mayor to sift through the initial applications to create the long list. The Solicitor explained that the Employment Committee could then meet and turn the long list into a shortlist which would also be a paper-based exercise. The Solicitor confirmed that the Stakeholder Panel would speak to candidates ahead of any final interviews and feedback to the interview panel. Councillor Bailey commented that she felt that this was an unwieldy process. The Mayor stated that throughout the time he had been involved in democracy the process, it had always been for HR to put forward the long list of candidates.
- Councillor Smith sought clarity on whether recruitment consultants would be used as part of the process in terms of head-hunting appropriate candidates. The Solicitor stated that Recruitment Consultants would be used and that they would be involved in pulling together the long list of candidates. Councillor Smith explained that if recommendation (d) stayed as it was then she would have to formally distance herself from the process. The Mayor stated that the shortlisting process set out at recommendation (d) was the process that happened at all Councils and that it was everyday practice. Councillor Smith explained that the Committee had to be mindful of public perception and the letter from the Minister. The Mayor stated that MHCLG had approved the process detailed in the report in front of the Committee and that it was standard practice.
- Councillor Herbert questioned how the Committee could work with the suggestion brought forward by officers of involving a Stakeholder Group. Councillor Herbert stated that he believed there was a benefit from the Committee looking at the long list as they would be able to identify candidates who may be long shots. Councillor Herbert explained that it was his understanding that a Stakeholder Panel's input would be weighted similarly to a psychometric test and that discussions with the Committee needed to take place at the shortlisting stage so that the Committee were familiar with the candidates and could go to the interview prepared. Councillor Herbert acknowledge the pressures in relation to the timings and put forward a suggestion of adding 2-3 weeks on to the process to take the pressure off from the complications of elections and COVID.

- Councillor Bailey sought clarification from Councillor Smith about what she meant by formally distancing herself from the process. Councillor Smith stated that she was not prepared to answer the question.
- Councillor Herbert stated that there had not been any discussion on the Job Description. He explained that he would like to see the inclusion of experience of working with people in Local Authorities. Councillor Herbert explained that he would feed through his comments to the HR manager.
- Councillor Smith proposed an alternative amendment to recommendation (d) as follows:

‘Shortlisting be the responsibility of Employment Committee with the Mayor and advised by the HR Manager. A Stakeholder Panel would be convened to assist the Committee with the interview process.’

The amendment was seconded by Councillor Herbert. In being put to the vote the amendment was defeated.

The Mayor brought the discussion to a close and the original recommendations were put forward to the vote.

It was resolved by majority to:

- a) Approve and/or modify the Job Description for the Chief Executive role at Appendix 1 and approve the salary scale at paragraph 2.9 of the report
- b) Note the role of the Committee in the recruitment process as set out in paragraph 2.5 of the report.
- c) To grant the Human Resources Manager delegated authority to make the arrangements for the advertisement of the post.
- d) To grant the Human Resources Manager delegated authority, in consultation with the Mayor, to shortlist candidates for the role.
- e) To grant the Human Resources Manager delegated authority, in consultation with the Mayor, to vary the indicative timetable at paragraph 2.10 of the report should the Mayoral election in May be postponed due to the Covid-19 pandemic, or if so required, following further discussions with MHCLG.
- f) To invite the Combined Authority Board to extend the appointment of John Hill and Kim Sawyer as Joint Chief Executive of the Combined Authority until 31 October 2021 or until any permanent Chief Executive commences their duties, whichever occurs first, subject to the consent of East Cambridgeshire District Council, as the employer of John Hill.