

Addendum Report: Changes to the Appointments Committee	
Report to: Council	
Date: 28 th March 2022	For: Decision
Key Decision: No	Decision Planner Ref No: N/A
Report Presented by: Councillor Graham Butland, Leader of the Council	
Enquiries to: Kim Cole, Head of Governance and Monitoring Officer	

1. Purpose of the Report

- 1.1 Further to the publication of the agenda, it has become necessary to provide an Addendum Report for this item. Therefore, Council is instructed to disregard the Report contained within the published agenda (pages 7 to 11) which has been replaced by this report.
- 1.2 The Council has a number of Committees whose membership is determined to by the Council. This report outlines the update to the membership of the Appointments Committee and sets out the steps necessary to ensure that the Appointment Committee remains relevant to the recruitment being undertaken at any time.

2. Recommendations

- 2.1 Council to agree to make the following changes to the Appointments Committee for the recruitment of the Chief Executive only:
 - 2.1.1 suspend the Constitution provision thereby removing the requirement to have the Chairman of the Performance Management Scrutiny Committee as a member of the Appointment Committee;
 - 2.1.2 The membership of the Appointment Committee be increase by one to enable representation of the Labour group on the Appointment Committee;
 - 2.1.3 To appoint Councillor David Mann to the vacancy as the representative of the Labour Group; and
 - 2.1.4 To appoint Councillor Jackie Pell to the Appointment Committee as the representative of the Halstead Residents Association.

3. Summary of Issues

- 3.1 The Council is required to have an Appointments Committee as part of its recruitment process for its Statutory and Senior Officers as defined in the Council's Constitution.
- 3.2 The Appointments Committee are responsible for conducting the recruitment process, including interviews for these posts. Appointments of a Statutory Officer is made by Council, following a recommendation from the Appointments Committee at the conclusion of the recruitment process.
- 3.3 Following the notice of retirement of the Council's Chief Executive, Andy Wright, it is now necessary for the Council to commence a recruitment process to appoint a new Chief Executive.
- 3.4 On 26 July 2021, the Council agreed that the Appointment Committee shall be made up of 6 Members:
- Councillor Graham Butland (Leader of the Council),
 - 3 Cabinet Members (to be appointed by the Leader),
 - Councillor James Abbott (Leader of the Opposition), and
 - Councillor Mick Radley (Chair of the Performance Management Scrutiny Committee)
- 3.5 The current membership has representation from all Political Groups except for the Labour Group.
- 3.6 For the appointment of the Chief Executive only, it is considered necessary that all Political Groups should be represented on Appointments Committee. Consequently, it is recommended that for the purpose of appointing a new Chief Executive, the Appointment Committee's membership should be increased by one and Councillor David Mann, as representative of the Labour Group be appointed to that vacancy.
- 3.7 The proposed recruitment timetable, means that the Chairman of the Performance Management Scrutiny Committee is not available to participate in the full recruitment process. This appointment was also ensured that there was representation from all political groups, as they are a member of the Halstead Residents Association. In order to ensure all political groups are represented it is necessary, for the purposes of this recruitment only, to agree that the requirement that the Chairman of the Performance Management Committee is a member of the Appointments Committee is suspended, and that this seat is given to Councillor Mrs Jackie Pell, as a representative of the Halstead Residents Association.
- 3.8 Councillor Butland as Leader of Council may determine the relevant Cabinet Members to the Cabinet Member positions on the Appointment Committee. In advance of the publication of the Agenda for the Appointment Committee, Councillor Butland has appointed the following Cabinet Members to be appointed to Appointment Committee for the recruitment of the Chief Executive, namely Councillors Tom Cunningham, Mrs Gabrielle Spray and Richard van Dulken.

3.8 The recommendations set out in this report will help the Council to deliver the following Corporate Objectives:

- A high performing organisation that delivers excellent and value for money services.

4. Options

4.1 The Council could choose not to amend the Appointment Committee. However, that would mean that the Appointments Committee would not have all the Political Groups represented and involved in the recruitment process for the Chief Executive. Accordingly, this is not the recommended option.

4.2 The recommended option is for the Council to agree the recommendations set out in this report.

5. Financial Implications

5.1 There are no financial implications arising out of the recommendations set out in this report.

6. Legal Implications

6.1 Article 5 of the Council's Constitution provides that it is a function of Council to approve Council committees, their terms of reference and the appointments to them. The provisions set out in this report are in line with that requirement.

6.2 All appointments to Council Committees are required to appoint in accordance with the requirements set out in the Local Government and Housing Act 1989 to allocate seats to Political Groups on a politically proportionate basis for the 2021/22 Civic Year. However, Council agreed in the establishment of the Appointment Committee that the requirements would not apply to this Committee.

7. Other Implications

7.1 There are no other implications arising out of the recommendations set out in this report.

8. Equality and Diversity Implications

8.1 Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:

- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act
- (b) Advance equality of opportunity between people who share a protected characteristic and those who do not
- (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

- 8.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 8.3 An Equality Impact Assessment has not been carried out in this instance, as the provisions relating to the membership of the Appointments Committee are set out within the Councils Constitution. Any equality impact was assessed at that point.

9. List of Appendices

- 9.1 None

10. Background Papers

- 10.1 [Council meeting - 7th October 2019.](#)
- 10.2 [Council meeting – 21st July 2021](#)
- 10.2 The Council's Constitution – Officer Employment Procedure Rules.