NOTICE OF MOTION RELATING TO CHIEF OFFICER EMPLOYMENT AND THE SENIOR STAFF COMMITTEE

The Committee considered a report by the Head of Human Resources arising out of a Notice of Motion submitted by Councillor P N Miller and referred to the Committee for consideration and report back to Council for determination; such Motion being in the following terms:

That this Council amends the delegated authority of the Head of Paid Service (and where necessary the terms of reference and delegated authority of the Senior Staff Committee) to provide for the following:

- A requirement for Senior Staff Committee to consider the creation, re-designation or redundancy of any Chief Officer post, prior to implementation.
- A requirement for Senior Staff Committee to consider the terms and conditions attached to any creation, re-designation or redundancy of any Chief Officer Post where the overall value of such terms and conditions will not exceed £100,000.
- A requirement for Council to consider the terms and conditions attached to any creation, re-designation or redundancy of any Chief Officer Post where the overall value of such terms and conditions shall exceed £100,000.

In each of the above cases no such creation, re-designation or redundancy shall be permitted without the approval of the respective body (Senior Staff Committee / Council).

Further, that this Council amends the previous resolution of Council (6th March 2014 – Pay Policy Statement 2014/15) in line with the above, such that recruitment to any vacant Chief Officer post shall be on terms and conditions approved by the Senior Staff Committee (<£100,000 total value of terms and condition) or Council (>$100,000 total value of terms and conditions). This ensures that Member oversight of appointments to Chief Officer position will continue beyond the end of the 2014-15 financial year.

Councillor Miller’s written submission in support of his Notice of Motion is attached as Appendix A.

In considering the matter, the Committee noted the following:

- That the discretion afforded to the Officer designated as the Authority’s Head of Paid Service in relation to staffing matters was consistent with the definition of that role as set out in Part 1, Section 4 of the Local
Government and Housing Act 1989. (The relevant extract from the Act is set out at Appendix B.)

- Within that remit, it had been the convention to date that changes affecting the Authority’s senior management structure were reported to the Senior Staff Committee for their consideration and approval. In doing so, Members could challenge such proposals with the Head of Paid Service; and explore options and probe the reasoning behind recommended changes.

- It was consistent with the Act for the Head of Paid Service to manage staffing matters of an operational nature, albeit with oversight by the Senior Staff Committee and with decisions being informed by the Authority’s Pay Policy Statement.

- The aim of the Notice of Motion was to extend Member scrutiny of senior management appointments and Chief Officer terms and conditions.

- Welsh Government Guidance, in the context of the duty of Councils to publish Pay Policy Statements, recommended that in addition to agreeing the parameters for setting the pay of Chief Officers, Council should be offered the opportunity to vote on large salary packages that were to be offered in respect of new appointments in accordance with their agreed pay policy statements. Welsh Ministers considered that £100,000 was the right level for that threshold.

- That, if changes to the current oversight arrangements were considered appropriate, in the interests of operational efficiency, it was suggested that Member oversight should be confined to Chief Officer positions at or above the £100,000 threshold as recommended by Welsh Government.

Councillor Miller spoke in support of his Notice of Motion and he stated that the purpose of the Motion was to ensure the process was more streamlined. He acknowledged that Council approval for all Chief Officer posts was excessive and he stated that his Notice of Motion now sought Council approval for only the most senior posts in the Authority. He considered that the recommendation set out in the report excluded that aim. Furthermore, he considered that the current process was incorrect whereby the appointment process could occur, before terms and conditions had been approved by Council and he sought to regularize that position.

Councillor Miller amended his original Notice of Motion with the addition of the words ‘or advertisement’ at the end of the first bullet point.

In response, the Acting Head of Paid Service stated that the first two recommendations for the Committee’s consideration were not time limited and, therefore, made provision for the concerns raised by Councillor Miller. Councillor Miller accepted the point that the recommendations were not time limited; however, he stated that there should be Member engagement in the process prior to an advert being placed.
The Committee was advised that the recommendations outlined in the report addressed the terms of the Notice of Motion; and it was suggested that Recommendation 1 be amended to insert the word ‘prior’ before the word ‘consideration’ as this would give Councillor Miller the assurance sought.

The Committee’s Decision was to make the recommendation as set out below.

**RECOMMENDATION:**

That Council be recommended as follows:

(a) That the Notice of Motion be adopted; but only to the extent of prior consideration of changes affecting Chief Officer posts, and their terms and conditions, continuing to be by the Senior Staff Committee in relation to posts up to £100,000 total remuneration, and, in future, by Council in relation to posts above £100,000 total remuneration.

(b) That Member oversight of Chief Officer appointments be further enabled through Council consideration and approval of the terms and conditions to apply to new appointments, where the total value of the salary package of such appointments (as defined in the Accounts and Audit (Wales) Regulations), matches or exceeds £100,000, in accordance with Welsh Government guidance.

(c) That the proposal set out in the Notice of Motion, to extend beyond 2014-15 the requirement to obtain approval for Chief Officer terms and conditions prior to initiating recruitment to any Chief Officer vacancy, be not adopted.

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**Background Document:**

Supporting Submission - Notice of Motion relating to Chief Officer Employment and the Senior Staff Committee

Please note: It is my intention to amend the motion before you very slightly. The first bullet point shall read …… prior to implementation [Add] or advertisement.

The previous Chief Executive exercised, in my view, too much control over the decision making process, particularly in relation to staffing. Reference to the Senior Staff Committee (the only level of elected member oversight in respect to staffing) is currently only required where there are changes to financial terms or where new members of senior staff are being appointed. This allows for senior members of staff, once appointed, to have their duties changed by the Chief Executive without further reference to elected members. I do not feel this is acceptable. Further, even where there has been reference to the senior staff committee previously, there has been no oversight of any of the following:

- The Rationale for any proposed new appointment.
  Do we need someone to do this job?

  Before Senior Staff Committee is consulted the advert has gone out, candidates have been shortlisted (by the Chief Executive) and Senior Staff meets with candidates sitting outside awaiting a final interview. Clearly a decision has already been made to appoint by this time – without any reference to elected members.

- The Level of remuneration for any new appointment or re-assignment of responsibilities.
  What level should any particular job be advertised at?

  Prior to any Senior Staff Committee consideration, an advert has gone out advertising the terms and conditions (as determined by the Chief Executive). Elected Members are not involved in that assessment in any way nor do they have any oversight or offer any challenge to the proposed level of remuneration / grade of appointment.

- The Rationale for any proposed re-designation of a Senior Member of Staff.
  Do we need someone to step in to this role or assume these responsibilities? Is the person proposed the best qualified for this role?

  I think the best way to demonstrate this issue is through an example; The Deputy Chief Executive was, when I was first elected just 2 years ago in 2012, Head of Policy. He is now Deputy Chief Executive and his pay has risen at least 100% during that 2 year period. That rapid elevation was conveyed to just 6 elected members in just 2 sides of A4 (1 page to two different meetings), neither of which made any reference to the ability of the individual in question. This individual now heads the
council’s major capital programme – the 21st Century Schools Programme – and as far as I’m aware there has never been any assessment (or oversight) by elected members of the experience or suitability of that individual to carry out that role.

The current set of delegated authorities dealing with staffing are just one example of elected members in Pembrokeshire allowing the Chief Executive too much authority and taking too little interest in key decisions which are being made on their constituents behalf. This motion seeks to re-write those rules to ensure the appropriate level of democratic oversight over senior staffing decisions.

Councillor P N Miller
Extract from Part 1 of the Local Government and Housing Act, 1989

Duties of particular officers

4.

(1) It shall be the duty of every relevant authority –

(a) To designate one of their officers as the head of their paid service; and

(b) To provide that officer with such staff, accommodation and other resources as are, in his opinion, sufficient to allow his duties under this section to be performed.

(2) It shall be the duty of the head of a relevant authority’s paid service, where he considers it appropriate to do so in respect of any proposals of his with respect to any matters specified in subsection (3) below, to prepare a report to the authority setting out his proposals.

(3) Those matters are –

(a) The manner in which the discharge by the authority of their different functions is coordinated;

(b) The number and grades of staff required by the authority for the discharge of their functions;

(c) The organization of the authority’s staff; and

(d) The appointment and proper management of the authority’s staff.