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GUILDFORD
BOROUGH

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To: All Members of the Guildford & Waverley Joint Appointments Committee

Louise Fleming, Democratic Services and Business Support Team Manager (Deputy Monitoring Officer)

Policy and Governance

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Date: 8 June 2022

Committee Membership:

Guildford Borough Councillors:

Joss Bigmore
Jan Harwood
Julia McShane

Waverley Borough Councillors:

Paul Follows (co-Chairman)
Peter Clark
Stephen Mulliner

Dear Councillor

GUILDFORD & WAVERLEY JOINT APPOINTMENTS COMMITTEE MEETING - THURSDAY, 16 JUNE 2022

A MEETING of GUILDFORD & WAVERLEY JOINT APPOINTMENTS COMMITTEE will be held in THE HOG'S BACK HOTEL, HOG'S BACK, SEALE, FARNHAM, SURREY, GU10 1EX on **THURSDAY, 16 JUNE 2022** at **5.00 pm*** and you are hereby summoned to attend this meeting.

*The Meeting will follow the selection process/interviews scheduled during the day. Accordingly, the start time may vary from the time shown dependent on progress.

The Agenda for the Meeting is set out below.

Yours sincerely

ROBIN TAYLOR

Head of Policy and Governance



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AGENDA

1 **APOLOGIES FOR ABSENCE**

2 **DECLARATIONS OF INTEREST**

To receive from Members, declarations of interest in relation to any items included on the agenda for this meeting in accordance with the Guildford and Waverley's respective Codes of Conduct for Councillors.

3 **MINUTES** (Pages 5 - 8)

To confirm as a correct record the minutes of the last meeting of the Joint Appointments Committee held on 5 April 2022.

4 **APPOINTMENT OF DIRECTORS FOR THE JOINT MANAGEMENT TEAM**
(Pages 9 - 22)

5 **EXCLUSION OF THE PUBLIC**

The Joint Appointments Committee to consider passing the following resolution:

"That pursuant to Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the content of the exempt Appendices 1 and 2 to Item 4 above, on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the consideration of the matter, there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the description specified in Paragraphs 1 and 4 of the revised Part 1 of Schedule 12A to the Act, namely:

(1) Information relating to any individual.

(4) Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters

arising between the authority or a Minister of the Crown and employees of, or officer-holders under, the authority.”
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GUILDFORD & WAVERLEY JOINT APPOINTMENTS COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY, 5 APRIL 2022

Present:

Councillor Joss Bigmore, Leader, Guildford Borough Council
Councillor Paul Follows, Leader, Waverley Borough Council
Councillor Peter Clark, Deputy Leader, Waverley Borough Council
Councillor Jan Harwood, Guildford Borough Council
Councillor Julia McShane, Deputy Leader, Guildford Borough Council
Councillor Stephen Mulliner, Waverley Borough Council

Action By

20. APOLOGIES FOR ABSENCE

There were no apologies for absence.

21. DISCLOSURES OF INTEREST

There were no disclosures of interest.

22. MINUTES

The Joint Appointments Committee

RESOLVED: That the minutes of the meeting held on 14 January 2022 be approved as a correct record.

23. SALARY BENCHMARKING FOR THE JOINT CHIEF EXECUTIVE PAY AWARD

The Joint Appointments Committee (JAC) considered a report on salary benchmarking in respect of the pay award for the Joint Chief Executive with effect from 1 April 2022.

In considering the report, the JAC recognised that the Guildford/Waverley Joint Chief Executive was accountable to the third largest population and the second highest number of councillors from the collaborating councils included in the benchmarking. The salary per head of population was the second lowest.

In debating this matter, the following points were raised:

- The Joint Chief Executive should be appropriately remunerated bearing in mind the two councils' responsibilities across 275,000 residents and budgets for delivering services to them, and that a pay award of between 3% and 3.75% should bring the Joint Chief Executive's salary well within the third quartile referred to in the report (£150,352 to £165,850)
- Although some increase at this stage in the current spot salary of

£150,000 would be warranted, it was suggested, given that the basis for the collaboration was to make savings, that it might be more appropriate to wait for a full year in post before considering a more generous pay award for the Joint Chief Executive.

- The benchmarking exercise should be used to bring the Joint Chief Executive's salary into line with the "industry standard", or to at least address the current imbalance.
- A more comprehensive review of salary, involving further benchmarking, might be more appropriate once the Joint Management Team was in place
- The JAC would determine future pay awards for the Joint Chief Executive and would take into account, as a guide, future pay awards to staff at both councils.

The JAC was advised that it was normal for the pay award for the chief executive to be at the same percentage rate as other staff from the employing authority. In the case of the Joint Chief Executive, the pay award could be expected to be at some point between 3% (which had been awarded to Waverley's staff) and 3.75% (which had been awarded to Guildford's staff). It was also noted that the budgeted pay award in this case had been a maximum of 3.75%.

Accordingly, the JAC unanimously

RESOLVED: That a pay award of 3.75% be approved, with effect from 1 April 2022, in respect of the Joint Chief Executive post.

SK

Reasons for Decision:

- a 3.75% pay award had been budgeted for in 2022-23;
- it was understood that £150,000 was at the lower end of the spot salary for the Joint Chief Executive role;
- in recognition of the work carried out so far by the Joint Chief Executive.

24. EXCLUSION OF THE PUBLIC

The Joint Appointments Committee

RESOLVED: That pursuant to Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following item of business on the grounds that it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during consideration of the item, there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the description specified in Paragraphs 4 and 5 of the revised Part 1 of Schedule 12A to the Act:

- (4) Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or office-holders under, the authority.
- (5) Information in respect of which a claim to legal professional

privilege could be maintained in legal proceedings.

25. PERFORMANCE MANAGEMENT PROCESS FOR JOINT SENIOR OFFICERS

At its last meeting held on 14 January 2022, the Joint Appointments Committee (JAC) had asked officers to design a performance management process for joint Senior Officers for approval by the JAC and subsequent publication.

The JAC considered a report setting out a proposed performance management process for all joint Senior Officers, including directors and members of the joint management team, which had been taken from the JNC for Local Authority Chief Executives Conditions of Service Handbook.

The report had proposed that the objective setting process should be by agreement and the result should be to identify specific objectives which were relevant and challenging, but achievable.

The process should not become complex and, at all times, it would need to focus clearly on the following:

- 1) The role of the senior officer
- 2) What had been successfully achieved
- 3) What could be improved upon
- 4) Key issues anticipated over the next year
- 5) Any developmental needs identified

The responsibility for performance management of the Joint Chief Executive would lie with the Leaders of both councils and the Joint Chief Executive. The responsibility for performance management of other joint senior officers, including statutory officers, would lie with the respective line managers of those officers and with the officers themselves to participate positively in the process.

It was envisaged that formal performance agreement meetings should take place annually, supported by informal continuous review/monitoring meetings on a regular basis with the line manager (in the Joint Chief Executive's case, with the Leaders of both councils) at which objectives would be reviewed for continuing relevance. The outcomes and actions from all meetings should be recorded in writing, agreed and securely stored by all parties with a copy of the formal performance agreement meeting record placed upon the joint senior officer's personal file.

Councillors were reminded that, at its last meeting, the JAC had considered the extent to which individual performance objectives for joint senior officers, including the Joint Chief Executive, and the assessment of the postholder against those objectives, should be made available to councillors. The JAC had deferred the matter to enable further HR and legal advice to be sought and reported back to this meeting.

The report had included the further advice sought, together with an analysis of the risks involved. The advice had concluded that objectives and assessment of performance against objectives should remain confidential and not be made available to all councillors.

In debating this matter, the following points were raised:

- There should be a distinction between the objectives, of which councillors should be aware in the interests of effective transparency, and the assessment of performance against those objectives, which should appropriately remain confidential.
- There was a need to decouple the monitoring of performance of senior management, which should be confidential, and the monitoring and scrutiny of the specific objectives of the collaboration, which were already in the public domain.
- The Joint Chief Executive's objectives were likely to be a combination of the corporate objectives of each council, the objectives of the collaboration arrangements, and personal objectives, for example, relating to training and development.
- The Joint Chief Executive would be held to account by the Leaders of both councils for the delivery of the corporate and collaboration objectives.
- It was accepted that the setting of the objectives in the context of the employer/employee relationship and monitoring of performance against those objectives should be a private matter.

Having considered the matter, the JAC

RESOLVED: That the performance management process for joint senior officers, as set out in the report submitted to the Joint Appointments Committee, be approved.

FC/SK

Reason:

To ensure that the performance management of joint senior officers is set in the context of both councils' strategic objectives, priorities, and targets, generally expressed in the community and within corporate plans and strategies.

The meeting finished at 9.33am

Joint Appointments Committee Report

Author: Sally Kipping

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Date: 8 June 2022

Appointment of Directors for the Joint Management Team

Recommendation to Committee

The Joint Appointments Committee (JAC) is asked to consider the appointment of the Joint Directors and, where appropriate, to make the appointments, subject to no material or well-founded objections being received from the Leaders of both Councils on behalf of their respective Executives in accordance with the provisions of Paragraph 5 of Part II of Schedule 1 to the Local Authorities (Standing Orders) (England) Regulations 2001.

Any appointments to the statutory offices of Section 151 Officer or Monitoring Officer, and Joint Director roles must be approved by the Full Councils of both authorities. If the JAC wishes to make an appointment to a statutory role or a Joint Director role, it will be asked to recommend any such appointments for confirmation at the ordinary meetings of both councils scheduled for July 2022. Any formal offer of appointment is also subject to no material or well-founded objection being made by either of the two Council Leaders on behalf of their respective Executives.

Therefore, following the assessment process with candidates for the Joint Director roles, the JAC is recommended:

- (1) To agree appointments to the Joint Director positions, for recommendation to the full meetings of both Councils, subject to no material or well-founded objection being made by either of the two Council Leaders on behalf of their respective Executives.
- (2) To note that the Joint Chief Executive will offer the roles to the candidates accordingly and progress HR procedures in line with the Councils' relevant policies.

Reason for recommendation:

To appoint permanent Joint Directors for Guildford and Waverley Borough Councils.

Is the report (or part of it) exempt from publication?

Yes, Appendices 1 and 2.

- (a) The content of Appendices 1 and 2 are to be treated as exempt from the Access to Information publication rules because the process for shortlisting the candidates will involve the disclosure, or likely disclosure of personal information about the candidates and is therefore exempt from publication by virtue of paragraphs 1 and 4 of Part 1 of Schedule 12A to the Local Government Act 1972 as follows:

- (1) "Information relating to any individual".
- (4) "Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or officer-holders under, the authority."
- (b) The content is restricted to the members of the Joint Appointments Committee.
- (c) It is not anticipated that the exempt information can be expected to be made available for public inspection.
- (d) The decision to maintain the exemption may be challenged by any person at the point at which the Committee is invited to pass a resolution to exclude the public from the meeting to consider the exempt information.

1. Purpose of Report

- 1.1 In the light of the decision of Guildford and Waverley Borough Councils to form a Joint Management Team (JMT), the JAC will be required to agree the formal appointment of Joint Strategic Directors as per the role profiles attached as Appendix 1 (EXEMPT).
- 1.2 In July and August 2021, Guildford and Waverley Borough Councils both considered options for collaboration and agreed (a) to put in place governance arrangements for the partnership, and (b) to create a JMT comprising Chief Executive, Directors and Heads of Service. The JMT would then be tasked with bringing forward business cases for further collaboration. A Joint Appointments Committee of three councillors from each council was established.
- 1.3 In November 2021, both councils appointed Tom Horwood as the Joint Chief Executive and he started in this role on 1 December.
- 1.4 In February 2022, both councils agreed a shared target of £1.4m savings over the period 2022-2026, with £150,000 to be achieved for each council within the financial year 2022-23 (all figures compared with 2021-22 budgets).
- 1.5 In April 2022, both councils agreed the governance framework for the partnership, comprising (a) heads of terms for the inter-authority agreement and (b) a Joint Governance Committee of six councillors from each council to oversee the risk register and review periodically any changes to the inter-authority agreement. The councils agreed that Waverley BC will be the employing authority for the JMT.
- 1.6 With this mandate from the Councils, it is the responsibility of the Joint Chief Executive to put in place a senior management structure that will ensure that services are delivered, and financial savings targets achieved.
- 1.7 Every council must appoint the statutory roles of Head of Paid Service, Monitoring Officer, Section 151 Officer (i.e. chief financial officer as per Section 151 of the Local Government Act 1972), Electoral Registration Officer and Returning Officer. These are Full Council appointments. The Joint Chief Executive has been appointed Head of Paid Service, Electoral Registration Officer and Returning Officer. The creation of the JMT will necessitate Full Council approval for the roles of Monitoring Officer and Section 151 Officer once the selection process has concluded.

1.8 The JAC's role, as set out in its terms of reference, is:

“Adopting and exercising such of the functions of Guildford Borough Council and Waverley Borough Council (“the councils”) as can be delegated by those councils in respect of the appointment of the councils’ Joint Chief Executive/ Head of Paid Service and any Joint Statutory Officer and Director posts as are covered by the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended) or any successor regulations.”

1.9 Although the terms of reference provide that the JAC may “*undertake and determine on behalf of the councils, all aspects of the process for the appointment of Joint Directors*”, the respective Pay Policy Statements of both councils provide that any new senior appointment with a salary package of £100,000 or more requires full Council approval.

1.10 In addition to requiring full Council approval, the appointment of Joint Directors, and any Joint Statutory Officers is also “*subject to no material or well-founded objection to the making of an offer of appointment being received by either Leader on behalf of their respective executives.*”

1.11 The JAC would also “*consider any financial settlement of an affected employee who is unsuccessful in respect of the selection and appointment of any Joint Directors, and where necessary make recommendations as appropriate for formal approval by each council.*”

1.12 In advance of the meeting on 16 June, members of the JAC will have been briefed on the proposed new JMT structure and process. In summary, the appointment process is being conducted in two phases, Directors and then Heads of Service:

- By 6 June: consultation with employees in scope on the Joint Director roles.
- 10 June: deadline for expressions of interest for Joint Director roles
- 16 June: JAC recommends appointments to full meetings of both councils
- Late June: commence recruitment if there are any Director vacancies
- June: Joint Chief Executive and Directors further develop Head of Service structure
- July: Council meetings appoint Joint Directors and statutory office holders
- July-August: consultation with employees in scope on the Head of Service roles
- 1 August: Joint Directors in post
- August-September: appointments process for Head of Service roles
- September: Council meetings appoint statutory office holders if required
- 1 October: Heads of Service in post
- October: commence external recruitments if there are any Head of Service vacancies

1.13 This meeting of the JAC will follow a day of interviews and assessment with candidates who have expressed an interest in a Joint Director role. The formal meeting to agree recommendations to the Full Council meetings in respect of the appointments will commence after the interviews have taken place.

- 1.14 Current employees in scope for the roles of Joint Director have been consulted formally for 30 days as per the councils' relevant human resources policies and given the opportunity to make alternative suggestions. Unison, as the councils' recognised trades union, has also been consulted. The formal consultation with employees who are in scope for the Head of Service roles will commence after the appointment of the Directors, in line with policy. Informal consultation and briefing with councillors will also take place at around this time.

2 Strategic Priorities

- 2.1 The Joint Strategic Directors will play a pivotal role in the delivery of Guildford and Waverley Borough Councils' aspirations set out in the respective Corporate Plan and Corporate Strategy. The appointments also reflect the next step in both councils' strategic aim of exploring shared opportunities with other local authorities for the benefit of local residents.

3 The appointments process

- 3.1 The Councils seek to recruit Joint Strategic Directors who will form part of the new JMT. The existing Director posts in both councils will be deleted during this process.
- 3.2 The candidates therefore comprise of existing Directors who wish to apply for the new posts. Consultation with the Directors ended at 17:00 on 6 June 2022 and the existing Directors have until 17:00 on 10 June to express an interest in the roles. The roles have been ringfenced to the existing Directors to minimise the risk of redundancy.
- 3.3 The selection process (Appendix 2) consists of the following steps:
- (a) Expression of interest and current copy of CV
 - (b) Leadership Exercise
 - (c) Presentation to the JAC and Joint Chief Executive followed by questions and answers
 - (d) Competency based questions with the JAC and Joint Chief Executive

Expressions of interest and CVs of applicants will be sent under separate cover prior to the interview date of 16 June 2022. A timetable will also be included at that point.

- 3.4 The JAC, supported by the Joint Chief Executive, will assess the applicants using the process above with interviews to be held on 16 June 2022.

4 Financial Implications

- 4.1 The savings associated with the appointment of the Joint Chief Executive were set out in the report to both Councils in July 2021. The report detailed that the annual full year budget savings to the Councils associated with the appointment of the Joint Chief Executive was £75,000 for Waverley and £90,000 for Guildford, totalling £165,000 across the two councils.
- 4.2 This report details the arrangements proposed for the Joint Director level of the JMT only and does not consider the Head of Service Level at this stage.

The table below sets out the overall budget implication of the current Director structure at each council and the proposed Joint Director Structure for the collaboration:

	Full year budget, £000		
	Guildford	Waverley	Total
Current annual cost of Directors	460	293	754
Proposed annual cost of JMT directors	256	224	480
Proposed full year equivalent saving	-204	-70	-274

4.3 The above table excludes any potential redundancy costs. The outcome of the recruitment process to the Joint Director roles will determine if any redundancy costs are likely to be paid and if so, the value. As such, it is not possible to calculate a payback period at this point in time. Part of the saving will be required for investment in Business Support capacity to enable the Joint Directors and the wider JMT to be effective in their roles. The costs of this are not yet determined while this is being reviewed. The overall target for each council of £150,000 in 2022-23 from the whole JMT is expected to be achieved.

4.4 The combined total annual budget savings for the Joint Chief Executive and the Joint Directors (excluding investment in business support) is £439,000. The annual budget saving is split £294,000 for Guildford and £145,000 for Waverley. As such the savings target required from the restructure to a JMT for the collaboration is expected to be achieved in full once the restructure of the Head of Service level is complete. Once the restructure for the Head of Service level is complete, an analysis of the full savings between the general fund and the HRA for each council will be undertaken and reported.

5 Appendices

Appendix 1: Role profile and person specification for the Joint Strategic Directors (EXEMPT)

Appendix 2: Selection process as laid out in the consultation outcomes pack including presentation and leadership exercise information (attached). Timetable of interviews, expressions of interest and CVs of applicants (to follow) (EXEMPT)

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