

To: All Members of the Council

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Calls may be recorded for training or monitoring

Date: 21 December 2022

Dear Councillor

EXTRAORDINARY COUNCIL MEETING - TUESDAY, 10 JANUARY 2023

An EXTRAORDINARY MEETING of the WAVERLEY BOROUGH COUNCIL will be held in the COUNCIL CHAMBER, COUNCIL OFFICES, THE BURYS, GODALMING on **TUESDAY, 10 JANUARY 2023** at **6.00 pm** and you are hereby summoned to attend this meeting.

The Agenda for the Meeting is set out below.

Yours sincerely

Stephen Rix,
Executive Head of Legal & Democratic Services (Interim) & Monitoring Officer

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AGENDA

1. APOLOGIES FOR ABSENCE

The Mayor to report 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 Waverley Code of Local Government Conduct.

3. APPOINTMENT OF JOINT MONITORING OFFICER (Pages 3 - 10)

Recommendation

To consider the Joint Appointments Committee's recommendation that Susan Sale, currently Head of Law and Governance at Oxford City Council, be appointed to the role of Joint Executive Head of Legal and Democratic Services (Monitoring Officer).

4. EXCLUSION OF PRESS AND PUBLIC

If necessary, to consider the following motion, to be moved by the Mayor:

That, pursuant to Procedure Rule 20 and in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of any matter on this agenda 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 item(s), there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the description specified in the appropriate paragraph(s) of the revised Part I of Schedule 12A of the Local Government Act 1972 (to be identified at the meeting).

Council Report

Ward(s) affected: All

Report of Joint Chief Executive

Author: Tom Horwood

Tel: 01483 523238

Email: tom.horwood@waverley.gov.uk

Date: 10 January 2023

Appointment of Joint Monitoring Officer

Recommendation to Committee

In July and August 2021, Guildford and Waverley Borough Councils both considered options for collaboration and agreed to put in place governance arrangements for the partnership, and to create a Joint Management Team (JMT) comprising Chief Executive, Directors and Heads of Service.

Most of the permanent Joint Executive Head of Service roles have been appointed, with the exception of the Executive Head of Planning Development and Executive Head of Legal and Democratic Services.

The Joint Appointments Committee (JAC), comprising three councillors from each council, met on 5 December to carry out the final interviews of short-listed candidates for the appointment of the Executive Head of Legal and Democratic Services, which includes the statutory post of Monitoring Officer.

The JAC has made a recommendation in respect of the appointment for confirmation at full Council meetings at both Guildford and Waverley in accordance with the requirements of The Local Authorities (Standing Orders) (England) Regulations 2001 (as amended). Councillors will recall that this matter was included on the agenda for the last Council meeting on 13 December. However, although the JAC had concluded the process and agreed a recommendation in respect of the appointment, there had been insufficient time for a conditional offer to be made to, and accepted by, the successful candidate to enable the Council to formally ratify the JAC's recommendation at that meeting.

Accordingly, it was agreed to defer the matter to a later meeting of the Council.

It has since been confirmed that the successful candidate has accepted the conditional offer.

The matter will also be considered by Guildford Borough Council at an extraordinary meeting scheduled for 3 January 2023.

The JAC's recommendation to both Councils is that Susan Sale, currently Head of Law and Governance at Oxford City Council and Monitoring Officer at West Oxfordshire District Council be appointed to the role of Joint Executive Head of Legal and Democratic Services (Monitoring Officer), subject to no material or well-founded objection being made by either of the Council Leaders on behalf of their respective Executives.

No such objections have been received by either Leader.

Subject to confirmation of the appointment by both Guildford and Waverley, it is anticipated that the start date for Susan Sale will be in April 2023.

Recommendation to Council:

To consider the Joint Appointments Committee's recommendation that Susan Sale, currently Head of Law and Governance at Oxford City Council, and Monitoring Officer at West Oxfordshire District Council, be appointed to the role of Joint Executive Head of Legal and Democratic Services (Monitoring Officer).

Reason for Recommendation:

To appoint a permanent Joint Executive Head of Legal and Democratic Services, including the duties of the Monitoring Officer for Guildford and Waverley Borough Councils.

Is the report (or part of it) exempt from publication? Yes, Appendix 1

- (a) The content of Appendix 1 is to be treated as exempt from the Access to Information publication rules because the process for approval of the recommendations will involve the disclosure, or likely disclosure of personal information about the candidate and is therefore exempt from publication by virtue of paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 as follows:
 - (1) "Information relating to any individual".
- (b) The content is restricted to councillors.
- (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 Council is invited to pass a resolution to exclude the public from the meeting to consider the exempt information.

1. Background

- 1.1 The new JMT structure comprises of three Joint Strategic Directors and 12 Joint Executive Heads of Service. The statutory officers (Chief Finance Officer and Monitoring Officer) report to the Joint Strategic Director for Transformation and Governance for line management, and also have a direct accountability and reporting line to the Joint Chief Executive for their statutory responsibilities.

2. Strategic Priorities

- 2.1 The Joint Executive Heads of Service 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 appointment reflects 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 a Joint Executive Head of Legal and Democratic Services who will form part of the new JMT and also take on the statutory role of Monitoring Officer.
- 3.2 The Councils have engaged Penna executive recruitment consultants to assist in the process. During the week commencing 21 November, Penna conducted the technical and psychometric assessments of long-listed candidates and then recommended a short-list of candidates for final interview by the JAC on 5 December.
- 3.3 Following the final interviews, the JAC met formally to consider making a recommendation in respect of the appointment for confirmation at full Council meetings at both Guildford and Waverley in accordance with the requirements of The Local Authorities (Standing Orders) (England) Regulations 2001 (as amended). The JAC has recommended that Susan Sale, currently Head of Law and Governance (Monitoring Officer) at Oxford City Council and Monitoring Officer at West Oxfordshire District Council, be appointed as Joint Executive Head of Legal & Democratic Services and Monitoring Officer.
- 3.4 Councillors will recall that this matter was included on the agenda for the last Council meeting on 13 December. However, although the JAC had concluded the process and agreed a recommendation in respect of the appointment, there had been insufficient time for a conditional offer to be made to, and accepted by, the successful candidate to enable the Council to formally ratify the JAC's recommendation at that meeting.
- 3.5 Accordingly, it was agreed to defer the matter to this extraordinary meeting of the Council.
- 3.6 It has since been confirmed that the successful candidate has accepted the conditional offer.
- 3.7 Any formal offer of appointment is subject to no material or well-founded objection being made by either of the two Council Leaders 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. No such objections have been received by either Leader.

4. Financial Implications

- 4.1 This report concerns one of the Joint Executive Head of Service posts. The recruitment process for the full JMT is nearing completion. The overall target for each council of £150,000 in 2022-23 from the whole JMT is expected to be achieved 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. Human Resource Implications

- 5.1 Following benchmarking with other council partnerships and external advice, the spot salary for the new Joint Executive Head of Legal & Democratic Services is £90,000 with an annual allowance of 5% of salary to account for the additional duties of being a statutory officer. The salary and allowance for 2022-23 will therefore be £94,500. This will be shared between the councils. From this salary, the employee will pay tax, NI and pension contributions.
- 5.2 The partnership working arrangement between the two Councils has required the creation of a Joint Management Team through the restructuring of both Councils. Both Councils have fully consulted with Unison and the affected staff and responded to the feedback with measures including making changes to the proposed structure. Each Council has followed their respective policies and processes in relation to Redundancy, Restructuring, Pay and Early Termination of Employment (Discretionary Payments).

6. Legal Implications

- 6.1 The proposals in this report are compliant with the Council's Constitution and statute.

7. Equality and Diversity Implications

- 7.1 All public authorities are required by the Equality Act 2010 to specifically consider the likely impact of their policy, procedure or practice on certain groups in society.
- 7.2 It is our responsibility to ensure that our policies, procedures and service delivery do not discriminate, including indirectly, on any sector of society. Council policies, procedures and service delivery may have differential impacts on certain groups with protected characteristics, and these will be highlighted in the Equalities Impact Assessment (EqIA) screening and mitigations identified if necessary.

- 7.3 An EqlA screening was carried out for the JMT restructuring activity. As a result of assessment at this point, it is concluded that the restructuring activity will not have a negative impact on those with protected characteristics, neither does it reflect the potential for discrimination. It is considered that the Council is acting in accordance with the public sector equality duty contained in section 149 of the Equality Act 2010.

8. Risk management Implications

- 8.1 The Collaboration Risk Assessment was approved by both Councils at their April 2022 meetings. It was also resolved to establish a Joint Governance Committee which has responsibility for monitoring the risk register periodically.

9. Climate emergency declaration

- 9.1 The climate emergency declaration and the urgent target for net zero carbon by 2030 is a critical objective for both councils. While no specific impacts on the climate emergency declaration have been identified as a consequence of this report's recommendations, the Council will be assessing and prioritising the environmental, climate and carbon impacts of any proposals that emerge.

10. Options

- 10.1 The proposal seeks to gain Council agreement to appoint to the Joint Executive Head of Legal and Democratic Services, which includes the statutory duties of the Monitoring Officer.
- 10.2 If these proposals were not agreed, the Council would expose itself to legal and contractual risks.

11. Background Papers

None

12. Appendices

Appendix 1: Summary of CV of Susan Sale – the candidate recommended for appointment to the role of Joint Executive Head of Legal and Democratic Services (and Monitoring Officer) [EXEMPT]

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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