

WAVERLEY BOROUGH COUNCIL

COUNCIL

26 SEPTEMBER 2022

Title:

APPOINTMENT OF JOINT s151 OFFICER

Portfolio Holder: Cllr Paul Follows, Leader of the Council

Head of Service: Tom Horwood, Joint Chief Executive

Key decision: N/A

Access: Part Exempt

Note pursuant to Section 100B(5) of the Local Government Act 1972

Annex 1 to this report contains exempt information by virtue of which the public is likely to be excluded during the item to which the report relates, as specified in Paragraphs 1 and 4 of Part I of Schedule 12A to the Local Government Act 1972, namely:

Paragraph 1: Information relating to any individual
Paragraph 4: Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.

1. Purpose and summary

- 1.1 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.
- 1.2 The current phase of implementation is to appoint the Joint Executive Heads of Service which include the statutory posts of S151 Officer (the Chief Finance Officer) and Monitoring Officer.
- 1.3 The Joint Appointments Committee, comprising three councillors from each council, met on 22 August 2022 to carry out the first stage of the appointment of the Executive Head of Service for Finance who will be designated as the statutory role of S151 Officer.
- 1.4 The Local Authorities (Standing Orders) (England) Regulations 2001, states that matters relating to the appointment of a Section 151 Officer are reserved to the Full Council. Therefore, following the assessment process with the candidate for the position of Joint Executive Head of Finance, which includes the statutory role of

S151 Officer, the JAC, at its meeting held on 22 August 2022 has recommended the appointment for confirmation at both Councils' meetings on 22 and 26 September 2022 respectively.

- 1.5 The full Council may only make or approve the appointment where no well-founded objection has been made by the Leader on behalf of the Executive in accordance with the provisions of Part II of Schedule 1 of the Local Authorities (Standing Orders) (England) Regulations 2001. The Leaders have confirmed that no such objection was received.
- 1.6 The last phase of the JMT appointment process is now being implemented with the appointments of Joint Executive Heads of Service. Roles outside the statutory posts are not required to come to full Council for agreement.
- 1.7 The new roles will commence on 1 October 2022. This will complete the appointment of the JMT.

2. Recommendation

In the light of the decision of Guildford and Waverley Borough Councils to form a Joint Management Team (JMT), the Council is asked to appoint Peter Vickers to the role of Joint Executive Head of Service for Finance which includes the duties of the S151 officer.

3. Reason for the recommendation

- 3.1 To appoint a permanent Joint Executive Head of Finance including the duties of the S151 officer for Guildford and Waverley Borough Councils.

4. Background

4.1 JMT structure

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.

4.2 The appointments process

The Councils have recruited a Joint Executive Head of Finance who will form part of the new JMT and the existing Head of Finance and Property post at Waverley Borough Council will be deleted during this process.

- 4.3 Consultation with the Heads of Service ended on 5 August 2022 and the existing Heads of Service were invited to express an interest in the roles by 19 August 2022. The roles had been ringfenced to the existing Heads of Service to minimise the risk of redundancy and each candidate expressed their preferred choice of role.

- 4.4 The selection process for the Joint Executive Head of Finance consisted of the following steps:
 - (a) Expression of interest and current copy of CV
 - (b) Leadership Exercise

- (c) Professional technical discussion with an independent S151 Officer, the Finance portfolio holder from Waverley BC, the Leader of Guildford BC and the Joint Chief Executive.
- (d) Presentation to the JAC and Joint Chief Executive followed by questions and answers
- (e) Competency based questions with the JAC and Joint Chief Executive

The JAC, supported by the Joint Chief Executive, assessed the applicant using the process above with interviews held on 22 August 2022.

- 4.5 The JAC recommended for appointment Peter Vickers as Joint Executive Head of Finance.

5. Relationship to the Corporate Strategy and Service Plan

- 5.1 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.

6. Implications of decision

6.1 Resource (Finance, procurement, staffing, IT)

- 6.1.1 This report concerns one of the Joint Head of Service posts. The recruitment process for the full Joint Management Team is not yet complete. 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.
- 6.1.4 Following benchmarking with other council partnerships and external advice, the spot salary for the new Joint Executive Head of Finance 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. This role will also be paid an allowance of £432.61 for being part of the senior team emergency on-call rota for the Waverley area and Waverley services in the current financial year, while the future of this rota and emergency response arrangements are reviewed.
- 6.1.5 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).

6.2 Risk management

6.2.1 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 will have responsibility for monitoring the risk register periodically.

6.3 Legal

6.3.1 The proposals in this report are compliant with the Council's constitution and with statute.

6.4 Equality, diversity and inclusion

6.4.1 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.

6.4.2 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.

6.4.3 An EqIA screening was carried out for the Joint Management Team 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.

6.5 Climate emergency declaration

6.5.1 The climate change 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.

7. Consultation and engagement

7.1 The consultation process is referred to earlier in the report.

8. Other options considered

8.1 The proposal seeks to gain Council agreement to appoint to the Joint Executive Head of Finance which includes the statutory duties of the S151 Officer.

8.2 If these proposals were not agreed, the Council would expose itself to legal and contractual risks.

9. Governance journey

9.1 Joint Appointments Committee – 22 August 2022

Guildford Full Council – 22 September 2022
Waverley Full Council – 26 September 2022

Annexes:

Annexe 1 – Summary of Joint Executive Head of Finance CV (Exempt)

Background Papers

There are / are no background papers, as defined by Section 100D(5) of the Local Government Act 1972).

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