

Minutes of the meeting of the **SCRUTINY (POLICY AND PERFORMANCE)** Committee held at the Council Offices, Whitfield on Tuesday 31 May 2011 at 6.00 pm.

Present:

Chairman: Councillor K Mills

Councillors: T J Bartlett  
J A Cronk  
R J Frost  
J H Goodwin  
D Hannent  
G Lymer  
K E Morris  
P Walker

Also Present: Head of Corporate Services & Monitoring Officer, Shepway District Council

Officers: Head of Human Resources, EKHR Partnership  
Team Leader Democratic Support

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#### SELECTION AND APPOINTMENT OF A JOINT CHIEF EXECUTIVE WITH SHEPWAY DISTRICT COUNCIL (CAB 15)

At the request of the Committee, Mr J Chambers, Head of Corporate Services and Monitoring Officer at Shepway District Council, presented the joint report of the Director of Governance and the Solicitor to the Council of this Council which had previously been received and noted by the Cabinets of both Councils at a simultaneous meeting held on 25 May 2011.

Members were informed that the appointment of a Chief Executive fell within the remit of a Council and was not an Executive function other than seeking ratification of the Council's decision by the Leader in discussion with Executive members. For this reason, Cabinet had been fully informed of the present situation. Previously, both Cabinets had agreed to set up a non-decision making Advisory Group, the Joint Implementation Forum (JIF) which had met on 25 May with two external consultants from East Midlands Council and which had made recommendations to the Joint Appointment Committee (JAC). This Committee would be a joint Committee comprised of Members from both Councils and based on the political balance of each Council: 3 Conservative and 2 Labour from DDC; 4 Conservative and 1 People First from SDC. JAC would meet on 6 June to determine the role description for the post of joint Chief Executive, the terms and conditions and the selection process and would subsequently make recommendations to both Councils. Ultimately JAC would consider the applications from both current Chief Executives and should the views of its members result in a balance, there could under current legislation, be no casting vote by the Chairman of the Committee and it would be unable to make a recommendation on the post of a joint Chief Executive. Should that happen, the Committee had no remit to seek an external appointment and each Council would need to take a view on how to proceed.

The discussions held at the JIF meeting on 25 May 2011 with the consultants from East Midlands had included the process, role, person specification and salary for the post of joint Chief Executive which would form the report to the meeting of JAC.

Slight amendments had been recommended which included deletion from the Selection Process, paragraph 3.3, of the words “and technical interview” from the third bullet point. The reason for this deletion was the lack of clarity of what constituted ‘technical merits’ for a Chief Executive and difficulty in comparisons between different professional disciplines.

Following the meeting of JIF, simultaneous Cabinet meetings had been held on the same day with confidential information received from the East Midlands consultants and noted by both Cabinets.

Mr Chambers answered questions from Members:

- Costs of the process would be shared equally by both Councils.
- DDC had already deleted the post of Chief Executive and the post of joint Chief Executive would be subject to a new contract. It was likely that, should one of the current Chief Executives be appointed to the joint position, they would be employed by their own Council under a contract which made their services available to the other Council. This practice was the recommended course of action having been tried and tested elsewhere. The terms and conditions for the post would subsequently be recommended to Council.
- JIF had discussed the basic salary for the joint role but the complete package would need to take into account the differences between the salary schemes at present operated by Dover and Shepway. JAC would need to decide whether the successful applicant would remain on their current terms and conditions or whether a new scheme would be needed. The current protocol only affected the post of joint Chief executive and if, following the completion of the process, and further sharing of officer posts were to be contemplated, the different salary schemes operated by the two Councils would present difficulties.
- The East Midlands consultants had compared nine shared Chief Executive roles and had taken into account the difference in packages between Dover and Shepway. They would also need to provide a penetrating and astute input to the selection process in order to balance the possibility of subjective interviewing by Members. The consultants were aware of all the issues which had been raised during discussion at this Committee meeting.
- Care should be exercised after the appointments process had been completed to ensure that a full, factual basis for the successful appointment was achieved.

The Chairman expressed concern at the lack of detail supplied to this Committee throughout the process and the importance of the decision to be made by the Council. The job description for the post of joint Chief Executive, as provided, did not provide for differentiation between the two applicants and the technical interview had been removed from the selection process leaving only psychometric assessment. No details had been provided by the consultants of the testing process. Mr Chambers advised that the papers for the 6 June meeting of JAC had been published the previous week and were in the public domain. The selection process might include a member briefing on key principles of selection; a structured questionnaire to be completed by the incumbent Chief Executives; psychometric

testing; presentation and interview with JAC members. The Chairman explained the importance of emotional intelligence testing, particularly in respect of cultural changes, to add depth to basic intelligence testing and the Head of Human Resources clarified that this included personal motivation, empowerment, change management. It was possible that the consultants would include this in the psychometric testing as the successful applicant would be challenged and stretched in the new role. This approach had been used for the employment of Shared Services Director, EK Shared Services and for the EK Shared Housing interim posts.

Mr Chambers and the Head of Human Resources left the meeting and it was

RESOLVED: That Cabinet be informed that this Committee expresses concern about the removal of the technical interview from the Selection Process and recommends that emotional intelligence should form part of the selection criteria in order to achieve an unbiased benchmark.

The meeting ended at 7.15 pm.