



**Gloucestershire**

COUNTY COUNCIL

**CONSTITUTION COMMITTEE**

**3.00 pm**

**TUESDAY**

**12 OCTOBER 2010**

**Meeting Room 1 - Shire Hall,  
Gloucester**

**MEETING PAPERS**





## CONSTITUTION COMMITTEE

**TIME:** 3.00 pm  
**DATE:** Tuesday 12th October, 2010  
**VENUE:** Meeting Room 1 - Shire Hall, Gloucester

### A G E N D A

ITEM	TOPIC	CONTACT
1.	<b>Minutes</b> (Pages 1 - 4) To approve the minutes of the meeting held on 2 June 2010.	Sharon Clutterbuck Tel: 01452 425286
2.	<b>Apologies for absence</b>	Sharon Clutterbuck Tel: 01452 425286
3.	<b>Public Questions</b> To answer any written public questions about matters which are within the powers and duties of the Committee. <b>The closing date/time for receipt of questions is 10.00am on Tuesday, 5 October 2010.</b> To answer any oral question(s) put by members of the public with the consent of the Chairperson.  <i>Depending on the nature of the questions asked it may not be possible to provide a comprehensive answer at the meeting, in which case a written answer will be supplied as soon as reasonably possible after the meeting.</i>	Sharon Clutterbuck Tel: 01452 425286
4.	<b>Members' Questions</b> To answer any written members' questions. <b>The closing date/time for the receipt of questions is 10.00am on Tuesday, 5 October 2010.</b>	Sharon Clutterbuck Tel: 01452 425286
5.	<b>Report of the Appointments Committee</b> (Pages 5 - 10)	
6.	<b>Changes to the Constitution by the Monitoring Officer</b> (Pages 11 - 12)	

## **NOTES**

- (a) **MEMBERSHIP** – Cllr Phil Awford, Cllr Mark Hawthorne, Cllr Tony Hicks, Cllr Jeremy Hilton, Cllr Ceri Jones, Cllr Steve McHale, Cllr Antonia Noble, Cllr Ray Theodoulou and Cllr Will Windsor-Clive
- (b) **DECLARATIONS OF INTEREST** – Members requiring advice or clarification about whether to make a declaration of interest are invited to contact the Monitoring Officer: Nigel Roberts ☎01452 425201 /fax: 426790/e-mail: nigel.roberts@gloucestershire.gov.uk prior to the commencement of the meeting.
- (c) **INSPECTION OF PAPERS AND GENERAL QUERIES** - If you wish to inspect reports relating to any item on this Agenda or have any other general queries about the meeting, please contact

Sharon Clutterbuck, Principal Democratic Services Officer  
☎: 01452 425286/fax: 425850/e-mail:  
sharon.clutterbuck@gloucestershire.gov.uk

## **GENERAL ARRANGEMENTS**

- (1) *Will Members please sign the attendance list.*

***EVACUATION PROCEDURE - in the event of the fire alarms sounding during the meeting please leave as directed in a calm and orderly manner and go to the assembly point which is outside the main entrance to Shire Hall in Westgate Street. Please remain there and await further instructions.***

## CONSTITUTION COMMITTEE

**MINUTES of the meeting of the Constitution Committee held on Wednesday 2nd June, 2010 commencing at 2.00 pm.**

**PRESENT  
MEMBERSHIP:**

Cllr Ron Allen	Cllr Steve McHale
Cllr Mark Hawthorne	Cllr Antonia Noble
Cllr Tony Hicks	Cllr Ray Theodoulou
Cllr Jeremy Hilton	Cllr Will Windsor-Clive
Cllr Ceri Jones	

**Substitutes:**

**Apologies:**

**16. ELECTION OF CHAIRMAN**

Cllr Jones nominated Cllr Noble as Chairperson, this was seconded by Cllr Hicks. On there being no other nominations it was

**RESOLVED**

**THAT Cllr Noble elected as Chairperson for the ensuing year.**

**17. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllr Awford.

**18. MINUTES**

**RESOLVED**

**THAT the minutes of the meeting held on 8 March 2010 be approved as a correct record and signed by the Chairperson.**

**19. PUBLIC QUESTIONS**

No public questions were received.

**20. MEMBERS' QUESTIONS**

No Members' questions were received.

**21. THE DUTY TO RESPOND TO PETITIONS INCLUDING ELECTRONIC PETITIONS**

Christine Wray presented this report that outlined the recent legislation that required Local Authorities to prepare and publish a Petitions Scheme with effect from 15 June 2010 in relation to paper petitions, and December 2010 in relation to electronic petitions. The report highlighted the basic requirements of the scheme and asked members to agree a scheme for Gloucestershire.

During the ensuing debate the following points were raised:

- The number of signatures required to trigger a response to a petition within the scheme should be 25; for a petition to be considered at a public meeting of one of the council's overview and scrutiny committees 500 signatures should be required and for a petition to be scheduled for a council debate 5000 signatures or more.
- The debate at Council should be 15 minutes but could be extended at the discretion of the Chair of Council up to a maximum of 30 minutes.
- The scheme should include the fact that people can speak to their local councillor or an officer to discuss their particular concerns.
- Concerns were expressed with regard to people living outside the county border who could be affected by issues in Gloucestershire, it was therefore agreed that the Monitoring Officer should be given the discretion whether or not to accept signatures from people living, working or studying outside the county border.
- Some members considered it important that it was clear in the scheme that Scrutiny committee does not have any executive powers.
- County Councillors should be informed if a petition is received that affects their particular area.
- It was important that there was a clear set of standards published on the website in relation to reasons for petitions being rejected. The discretion to reject a petition should be with the Monitoring Officer. This should be a separate document published on the website, to be circulated and agreed by Members.

In response to a member's question Christine Wray explained that if a petition was presented in relation to an issue that had gone through a consultation process, this would not be excluded, however the response made would take into account the fact that consultation had taken place.

Members agreed the amendments discussed should be made to the draft Petitions Scheme and circulated to all Constitution committee Members prior to approval at Council.

## **RESOLVED**

**THAT the draft scheme, as amended be approved and recommended to full Council for adoption.**

*Minutes subject to their acceptance as a correct record at the next meeting*

**22. CHANGES TO GLOUCESTERSHIRE CONSTITUTION BY THE MONITORING OFFICER**

Christine Wray presented changes to the Constitution that had been made by the Monitoring Officer under delegated powers.

The change was in relation to the membership of the Pensions Committee that currently stated "one staff representative without voting rights to be co-opted by the Pensions Committee following nomination by Unison" the amendment was to add the following words "*representing, active deferred and pensioner members of the Pension Fund*".

Some concern was expressed that there were many non-union members of staff and there should be a system for them to have their voice in commenting on issues that affect them. Clarification was sought on this and the item was deferred to a future meeting.

**RESOLVED**

**THAT this decision be deferred to a future meeting of the Constitution Committee.**

**CHAIRPERSON**

Meeting concluded at 14:50

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## CONSTITUTION COMMITTEE

12 October 2010

### REPORT OF THE APPOINTMENTS COMMITTEE SENIOR OFFICER ROLES

At its meeting on 15<sup>th</sup> September 2010, the Appointments Committee considered and approved the attached report. The Appointments Committee approved the following recommendations:

- 1) The current thinking on the recruitment process for senior officer roles be endorsed.
- 2) The proposed revised arrangements to the process of recruiting to senior officer roles as set out in paragraph 4 of the report be agreed
- 3) Recommended to the Constitution Committee that subject to their formal approval of their proposals, including the reduction in the size of the interviewing panels to appropriate numbers, that the revised process is recommended to full council for changes to the Constitution.

If approval is given then the Constitution can be amended by adding a further note to the page setting out the duties of the Appointments Committee:

Note 4: The Council has resolved that for recruitment purposes the Appointments Committee will operate through a sub-committee of three members (politically balanced) acting as an interviewing panel.

#### **Recommendation**

1. That the report be noted; and
2. That in accordance with the view of the Appointments Committee as expressed at its meeting on 15<sup>th</sup> September 2010, the Constitution Committee recommend to County Council that the Council's Constitution be amended to reflect the amendments to the duties of the Appointments Committee.

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# APPOINTMENTS COMMITTEE

## RECRUITING TO SENIOR OFFICER ROLES

<b>Appointments Committee Date</b>	<b>15th September 2010</b>
<b>Officer</b>	Peter Jones, Deputy Chief Executive Dilys Wynn, Director: People Services

<b>Purpose of Report</b>	To initiate member discussion and share current thinking on suggested proposals for revised arrangements for recruiting to senior officer roles
<b>Recommendations</b>	The Appointments Committee is recommended to: <ul style="list-style-type: none"><li>(i) Endorse the current thinking on the recruitment process for senior officer roles</li><li>(ii) Agree the proposed revised arrangements to the process of recruiting to senior officer roles as set out in paragraph 4 in this report</li><li>(iii) Recommend to the Constitution Committee that subject to their formal approval of the proposals, including the reduction in the size of the interviewing panels to appropriate numbers, that the revised process is recommended to full council for changes to the Constitution.</li></ul>
<b>Resource Implications</b>	No additional resource implications. More cost effective and efficient processes.

## **MAIN REPORT CONTENTS**

### **1. Purpose of Report**

To share thinking on the current arrangements for the recruitment of senior officer roles and recommend revised arrangements which maintain the key involvement of elected members in the appointments process and modernise the procedures. This report excludes the appointment arrangements for the Chief Executive/Head of Paid Service.

### **2. Introduction and background**

Members will be aware of the agreed arrangements for the recruitment of senior officer roles as set out in the Council's Constitution (Part 3, paragraph 3.2 and Table 3.4, Duties of the Appointments Committee and Part 4, Officer Employment Procedure Rules).

The role of Members in the appointment of employees to the County Council is regulated by statute which is incorporated into the Council's Constitution and is restricted to involvement in recruitment decisions for appointments to roles including temporary and interims at 2<sup>nd</sup> tier or above only.

While such appointments may not be made by the Executive, the Council could choose to delegate all responsibility for senior appointments to the Head of Paid service, subject to the consultation process set out in paragraph 2 of the Officer Employment Procedure Rules. Some years ago, Gloucestershire chose to vest that responsibility with the Appointments Committee. (Note: The appointment of the Head of Paid Service must be confirmed by full Council).

### **3. Current Process**

The current process was approved in 2003 and has been largely unchanged since then. It requires input from Members via the Appointments Committee at three separate stages. Since that date, a number of changes, including the introduction of web-based recruitment, more sophisticated methods of assessing candidates and the increasing number of joint appointments at senior level makes our current arrangements increasingly outdated. In particular, the following issues and difficulties have been identified:

- (i) The current procedure adopted by the Council for Members to be involved at three stages: namely, the decision to recruit, short-listing and selection, makes consistent membership at all three stages almost impossible to achieve. Lack of continuity is considered to be poor practice and could lead to less rigorous recruitment decisions being made;
- (ii) There are a number of Members potentially involved in senior appointments. This prevents the Council from keeping Members up to date with current legal issues pertaining to recruitment and modern recruitment practice;
- (iii) Members wish to have better briefing on candidates before the interview day. The Council is increasingly supplementing interviews, (proven to be one of the least reliable elements of a recruitment process) with selection tests and personality profiling. This means that there is a large amount of recruitment material to be shared with the interview panel in advance of the final recruitment day;

- (iv) Current arrangements mean that interview panels are large, and larger still when it is a joint appointment with a partner. The first joint appointment the Council sought to make had a joint interview panel of seven. This reduces the effectiveness of the interview process. Following a review, revised Panel membership was agreed for the most recent senior joint appointments. The Council could extend the principle of smaller panels to all appointments.
- (v) Even in the prevailing financial climate, recruiting to senior positions in local government is proving challenging. Over the last 6 months, the two joint appointments made had to be advertised twice before suitable candidates could be found and the Director of Finance role remains vacant following the failure to attract the right calibre of candidate. There is a suggestion that the length of time involved in our process is leading to the loss of good candidates. While it is likely that we will recruit to very few senior appointments during the next couple of years, when we do, it will be to a business critical role.

#### **4. Proposed Alternative Approach**

To overcome the limitations of the current arrangements, whilst assuring the key input of elected members into the process, the proposal is to revise the current recruitment process to include the following features:

##### **a) Focus the Role of the Appointments Committee on the Selection Process**

- **Group Director Roles**

The decision to appoint to a role and the details of the recruitment process to be delegated to the Head of Paid Service in consultation with the relevant Cabinet Member, Leader and Lead Opposition Member.

- **Director Roles**

The decision to appoint to a role and the details of the recruitment process to be delegated to the Head of Paid Service in consultation with the relevant Cabinet Member.

##### **b) Shortlisting**

- **Group Director Roles**

This would be drawn up by the employing manager (Head of Paid Service or relevant Group Director) in consultation with the relevant Cabinet Member, Leader and Lead Opposition Member.

- **Director Roles**

This would be drawn up by the employing manager (relevant Group Director) in consultation with the relevant Cabinet Member.

In the case of **joint appointments**, the shortlisting would take place as above, in conjunction with the partner organisation.

##### **c) Members key roles in the interview and selection day**

Members would continue to play a key role in the interview and selection day to make the selection decision. Members would be pre-briefed on all relevant selection test material and personality profiling results to enable them to make better informed decisions.

In the case of joint appointments, the panel would consult with representation from the partner organisation and both parties would need to be satisfied with the appointment decision.

**Advantages of this approach:**

- Reduces the number of unnecessary meetings required and makes the process quicker and more efficient
- Keeps to a minimum the number of candidates lost due to delays in the process
- Eliminates the need for Member substitutions during the process.

Note: The process for appointing to short term interim positions would remain unchanged.

**d) Adjusting the Size of Panels**

The size of Panels is relatively large and the issue is exacerbated by the involvement of partners in joint appointments. The proposal is for the Appointments Committee to operate henceforward through a sub-committee acting as an interviewing panel comprising three members (still politically balanced for the life of the current Administration) and ask partners to keep their representation to two.

Note: The proposal to introduce sub committees will require a decision by the Constitution Committee and full council.

**Advantages of this approach:**

- Makes the advance briefing of Committees and recruitment decisions easier
- Saves on administration and attendance costs
- Improves the image of the Council with candidates
- Provides the opportunity to retain consistency of membership on the Appointments Committee, allowing better updating on recruitment practice and legislation.

**e) Terms and Conditions of senior roles**

Any proposed changes to the terms and conditions of service for senior roles would remain the responsibility of the Appointments Committee.

**5. Recommendations**

The Appointments Committee is recommended to

- (i) Endorse the current thinking on the recruitment process for senior officer roles
- (ii) Agree the proposed revised arrangements to the process of recruiting to senior officer roles as set out in paragraph 4 above
- (iii) Recommend to the Constitution Committee that subject to their formal approval of the recommended changes, including the reduction in the size of the interviewing panels to appropriate numbers, that the revised process is recommended to full council for changes to the Constitution.

**Peter Jones, Deputy Chief Executive**  
**Dilys Wynn, Director: People Services**  
**25<sup>th</sup> August 2010**

# Agenda Item 6

## CHANGES TO GLOUCESTERSHIRE COUNTY COUNCIL CONSTITUTION BY THE MONITORING OFFICER

In the exercise of my powers set out in Article 15.02.1 of the Council's Constitution, in order to secure the convenient, efficient discharge of the Council's functions relating to Children's Services, I make the change to the Council's Constitution set out below with effect from the 1 July 2010.

Paragraph 5.11 in Part 3, Section 5 of the Council's Constitution shall be amended to:

5.11 The Director of Commissioning and Partnerships has responsibility for the statutory functions of the Director of Children's Services in accordance with Section 18 of the Children Act 2004.



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N J Roberts  
Director of Law and Administration and Monitoring Officer  
Gloucestershire County Council

4 October 2010

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