

Committee: Council

Agenda Item

Date: 21st April 2009

9

Title: Recruitment of Director of Development – nomination of Appointments Committee

Author: John Mitchell, 01799 510400

Item for decision

Summary

The post of Director of Development has been vacant since the appointment of the Chief Executive in July 2008. The Head of Planning and Housing Policy has been “acting up” into the role during that time. Given the complexities of the planning and development issues facing the District it is considered that a permanent appointment to the post is vital. Under the Council’s Constitution (Officer Employment Procedure Rules Rule 4) which embody mandatory standing orders laid down by legislation the appointment is to be made by a Committee of the Council established for that purpose.

Recommendations

1. That Members determine the size and title of the Committee to be established for that purpose.
2. Members determine the terms of reference of the Committee
3. Members allocate seats on that Committee to Members in accordance with the wishes of the political groups to which the seats have been allocated.
4. Members appoint a Chairman and Vice-Chairman of the Committee

Background Papers

Minute of Council meeting 22nd July 2008

Impact

Communication/Consultation	None
Community Safety	None
Equalities	The Committee will have a duty to ensure compliance with equalities legislation in the recruitment process

Recruitment of Director of Development – nomination of Appointments Committee

Full Council, item 9

Finance	Budget has been allocated for salary
Human Rights	None
Legal implications	There is no requirement for the Committee to be politically balanced if none of the Members present at the meeting when the Committee is appointed objects
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

Situation

- 1 The Council is seeking to appoint a permanent Director of Development.
- 2 The appointment of a Director is by Committee of the Council. For the appointment of the Chief Executive and Director of Central Services a Committee of 5 Members was established to make a recommendation to the Council.
- 3 A Committee appointed for this purpose is appointed under s.102 is an ordinary committee of the Council and as such the rules relating to political balance contained in the Local Government and Housing Act 1989 apply. The rules may be summarised as follows:-
 - a. The majority group on the Council must have a majority of seats on the Committee
 - b. So far as is reasonably practicable the total number of seats on ordinary committees must be distributed between the groups in the same proportion as their seats on Full Council
 - c. Subject to b. above so far as is reasonably practicable the ratio of seats allocated to the groups on the Committee must be the same as Full Council.
- 4 For this purpose ordinary committees comprise all policy committees, Development Control, Performance Select and Scrutiny. The Licensing Committee and Standards Committees are not ordinary Committees as they are not appointed under the Local Government Act 1972 and the legislation does not extend the rules regarding political balance to those Committees.
- 5 As noted above the rules relating to political balance do not apply if no Member present at the meeting when appointments are made votes against the proposal. In fact the Council is not politically balanced at present. The political make-up of the Council is 59.1% Conservative, 34.1% Liberal Democrat and 6.8% Independent. There are 77 seats on ordinary committees. These are divided 58.4% Conservative, 33.8% Liberal Democrat and 7.8% Independent.

Recruitment of Director of Development – nomination of Appointments Committee

Full Council, item 9

6 Strictly speaking, having regard to rule b. the Independent group would not be entitled to a seat on the Committee unless it were prepared to forgo a seat on another Committee. Members may consider such a requirement unacceptable.

7 Possible options for a Committee are as follows:-

Total membership	Conservative	Liberal Democrat	Independent
5	3	2	0
*5	3	1	1
6	4	2	0
*6	4	1	1
*6	3	2	1
7	4	3	0
*7	4	2	1

*For a 6 Member Committee the 3/2/1 ratio would only be acceptable if no Member voted against it as it fails to comply with rule a. which requires the majority group to have a majority on the Committee. Any option involving an Independent Member would only be acceptable if no Member voted against it as it fails to comply with rule b. which requires the proportion of the number of seats of ordinary committees to reflect the political make-up of the Council.

8 The suggested terms of reference for the Committee are to oversee the appointment of a new Director of Development. The Committee should have delegated powers to ratify the job description and person specification for the post: to ratify the advertisement and selection process; to shortlist and interview suitable candidates and agree an offer of appointment, subject to ratification by the Full Council.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
None in this report			

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.