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BRECKLAND COUNCIL

At a Special Meeting of the

COUNCIL

Held on Thursday, 8 October 2020 at 4.00 pm

This meeting is in line with The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020

PRESENT

Mrs L.S. Turner (Chairman)	Mr F. Eagle
Mr T. J. Ashby	Mr C. Harvey
Mr S Askew	Mr P.J. Hewett
Mr R. Atterwill	Mrs J. James
Mr S.G. Bambridge	Mr T. J. Jermy
Mr T. Birt	Mr M. Kiddle-Morris
Mr W.P. Borrett	Mr R.G. Kybird
Councillor C. Bowes	Mr I. Martin
Mr M. P. Brindle	Mr K. Martin
Miss H. Bushell	Mr P. Morton
Mr T. R. Carter	Mr M. J. Nairn
Councillor M. Chapman-Allen	Mr J.W. Nunn
Mr S. H. Chapman-Allen	Mr D. R. R. Oliver
Mr H. E. J. Clarke	Mr M. S. Robinson
Mr P.D. Claussen	Mr I. Sherwood
Mr J.P. Cowen	Mrs S. E. Suggitt
Mrs H Crane	Miss T. Taylor
Mrs V. Dale	Mrs A. M. Webb
Mrs S. Dowling	Mr N.C. Wilkin
Mr P.J. Duigan	Mr P. S. Wilkinson

In Attendance

Maxine O'Mahony	- Executive Director of Strategy & Governance (Monitoring Officer)
Rob Walker	- Executive Director Place
Susie Richardson	- HR Manager
Mark Stinson	- Executive Manager Governance (Deputy Monitoring Officer)
Teresa Smith	- Democratic Services Team Leader
Julie Britton	- Democratic Services Officer

Tribute

A minute silence was held in memory of the late John Rogers, former Councillor and Chairman of the Council.

Councillor Bambridge paid tribute to John on behalf of Breckland Council.

72/20 APOLOGIES (AGENDA ITEM 1)

Apologies for absence had been received from Councillors Brame, Gilbert, Kiddell, Terry and Wickerson.

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Question raised by Councillor Birt

Councillor Birt had been having discussions with Mark Stinson, Executive Manager for Governance in respect of a number of issues one of which remained outstanding - the notice period for meetings. He pointed out that the notice period should be published 5 clear days before the meeting yet the final agenda for this meeting had only been published yesterday.

The Executive Manager for Governance reported that Councillor Birt was correct in respect of the notice period question regarding the 5 clear working days; however, the Local Government Act 1972 recognised that there would be occasions where the full 5 working days would not be possible. There were various exceptions but in this particular case, the report and the agenda had been published 5 clear days before the meeting and it was a revised agenda that had been published yesterday which included an additional document, the minutes from the Joint Appointments Committee.

The Executive Manager for Governance reminded Members to be careful as this meeting was considering an individual's personal information. He appreciated that some of this information was already be in the public domain but the Council was still bound by data protection rules and if Members felt that any such matters should be discussed then the meeting should move into private session.

Councillor Atterwill agreed with Councillor Birt's comments whilst also taking on board the response from the Executive Manager for Governance. The documents had been submitted very late for Councillors to consider and there was, as Councillor Birt had alluded to, a great deal of background information that many Members had been trying to read and digest at extremely short notice about this one candidate. He agreed that the meeting should go into a private session as there were certain matters pertaining to this candidate that he wished to raise and it would not be fair to the individual to discuss these matters in an open session.

In response, the Executive Manager for Governance advised that it was common practice of many authorities for a recommendation from a Committee to Full Council, to be on a back to back basis. This Council was being asked to consider a recommendation from a Committee that had already investigated a number of these issues and felt that it would be acceptable to hear from those Committee Members first. He also explained that he was not advocating for the meeting to go into private session but that the Council would need to do so if it wished to discuss personal information of the candidate.

The Chairman said that she would consider going into private session once the report had been presented.

73/20 DECLARATION OF INTERESTS (AGENDA ITEM 2)

None declared.

74/20 APPOINTMENT OF THE INTERIM HEAD OF PAID SERVICE (AGENDA ITEM 3)

The Leader of the Council, Councillor Sam Chapman-Allen presented the report.

The report set out a very clear recommendation from the Joint Appointments & Disciplinary Committee to appoint an interim Head of Paid Service (HoPS) covering both Breckland and South Holland District Councils.

The Leader thanked the Deputy Leader, Councillor Paul Claussen and Councillor Mike Brindle for attending the previous day's Joint Committee meeting. A number of very robust questions had been asked and the candidate had given honest and candid responses that provided confidence to those Members which had been reflected in the unanimous decision by the six participants across both Councils.

Penna, a recruitment organisation, had supported the Council through this process and had found Breckland Council a suitable candidate for consideration. The Leader assured Members that this position was not the post of Chief Executive and would only be undertaking the statutory function of HoPS. The role would be on an interim basis for six months and for two days a week offering one day to Breckland and another to South Holland. This position would offer and create the much-needed extra capacity within both Councils and would act as a strategic advisor on future local authority models.

The role would not have any direct line management responsibility for staff at either Breckland or South Holland councils. The Place based teams led by the two Directors, Rob Walker, the Executive Director of Place and Maxine O'Mahony, the Executive Director for Strategy & Governance would continue both of whom had already attended many meetings and engagements previously undertaken by the Chief Executive.

The Leader highlighted the recommendations and suggested that the term of six months for the interim appointment be included in the decision, if approved.

The Chairman concurred with the Leader's views and assured Members that under Standing Order No. 58, Section 58.2, there had been no material objections from either Cabinet or from individual Members of that Cabinet to this appointment.

Prior to any questions being asked on the Leader's report, the Chairman highlighted the fact that if at any point the discussions turned to personal matters, advice would be sought from the Executive Manager for Governance and a resolution to go into private session would be requested.

Councillor Brindle said that it had been a pleasure to take part in the recent Joint Appointments & Disciplinary Committee. The candidate had presented himself very well, but he felt that it would help, given the comments that had been made earlier, if it could be made clear about the two different roles that were on offer. In his opinion, the candidate was an excellent choice for giving advice, but again felt that it would perhaps clarify and encourage Councillors if they heard again, the specific responsibilities under the title of the HoPS.

In response, the Executive Manager for Governance stated that the HoPS had a specific power in respect of staff employed by the local authority. For example, if any changes were to be made to the establishment then the HoPS was able to require that the Council considered a report to that affect.

Although satisfied with the response, Councillor Brindle asked that a statement be made from the Leader or a Senior Officer stating the fact that there would be no line management of staff involved in this position.

The Leader confirmed that the interim HoPS and the interim Strategic Advisor to both Councils would have no line management requirements for any staff at either Breckland or South Holland District Councils.

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Councillor Wilkinson felt that as Councillors, all should have confidence in the decision made by the Members of the Joint Appointments & Disciplinary Committee. The Minutes from that meeting clearly stated that procedures had been followed and the numerous questions that had been put to the candidate had been answered satisfactorily. He urged Members to support the recommendations.

Councillor Jermy, the Leader of the Labour Group and a Member of a previous Joint Appointments & Disciplinary Committee felt that there was no need to question the suitability of the individual concerned as this was part of the Committee's role and he was therefore content with the recommendations. He highlighted the point made by the Leader about the interim role and the concerns that he had raised with the Leader and the Executive Manager for Governance prior to the meeting about the wording of the actual recommendation. He explained that within the body of the report, section 1.1 it specifically referred to an end date being the 31 March 2021 yet the recommendation made no reference to this date and therefore felt it should not be adopted without making the necessary amendments first otherwise it would be agreeing to an open ended appointment.

On a wider point, Councillor Jermy was very conscious that this authority was not just losing a full-time member of staff from the organisation but someone who was very experienced and embedded in the organisation. He felt that whatever the merits of the candidate it was not a like for like replacement and asked the Leader to reassure Members how the staff would be sufficiently supported and how the Council would be able to respond to the challenges moving forward. Additionally, he asked the Leader if he could confirm, once again, that this was an interim appointment as he was conscious of the amount of work that had to be carried out in such a short space of time whilst bearing in mind any notice period that had to be given by the candidate.

The Leader assured Members that this would be an interim appointment and if the Chairman allowed, an addition to the recommendation would be added to take account of the six-month period and fixed term date to the 31 March 2021. In relation to the wider staffing impact, he advised that throughout this pandemic both the Executive Director of Place and the Executive Director of Strategy & Governance had worked very closely with the outgoing Chief Executive to ensure that all staff, as a duty of care and a moral obligation, were looked after and both had been doing a sterling job and would continue. The Executive Directors had taken on most of the meetings and engagements previously undertaken by the Chief Executive albeit some had been passed to him as the Leader of the Council. Both had complete operational and strategic oversight of the authority ensuring that the staff were able to undertake their duties during these unusual times. Weekly meetings were held with all Directors across both authorities including Lord Porter, the Leader of South Holland District Council, to discuss any issues and the wider partnership position. Detailed conversations would continue throughout this pandemic that provided him with the knowledge and security that both authorities were doing everything they could to protect its workforce.

For the benefit of Councillor Jermy, the Chairman then read aloud the amended recommendation:

To appoint Nathan Elvery for a 6-month period commencing from the date of appointment and that this appointment date be agreed by the Leader of Breckland Council and the Leader of South Holland District Council.

Councillor Jermy was happy with the amended recommendation.

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Councillor Nunn thanked the Joint Appointments & Disciplinary Committee for coming together at such short notice to deliberate and make recommendations to Full Council and he moved the recommendations as amended.

Councillor Borrett seconded Councillor Nunn's proposal. He was very pleased that all had agreed that this meeting had been properly and legally constituted and that due diligence had been carried out by the Members of the Joint Appointments & Disciplinary Committee. Members were being asked to either endorse or not endorse the decision already made by the said Committee, not to interview or scrutinise the candidate but to accept or reject the recommendations. This he felt was a very good short-term appointment and he did not have any concerns and was happy to accept the amended recommendations.

Councillor Birt felt that the matter of the particular document that he had mentioned earlier in the meeting had been forgotten. He believed that this matter should be discussed in open session as the points he had raised and had quoted directly from a Government document were relevant and clearly would influence the decisions being made.

Councillor Atterwill asked the Leader the reason for interviewing just the one candidate and if the Council agreed to appoint this person would the individual be directly employed by the Council or contracted out through the candidate's Management Company as highlighted in his CV. He also asked what due diligence had been carried out to satisfy the Members of the Joint Appointments & Disciplinary Committee that this person was right for this role.

In response, the Leader advised that the individual had been 'head hunted' by Penna who was provided with a specification put together by the Leaders at both authorities. The individual would not be a paid employee but would be contracted through Penna, a well-regarded and nationally recognised contractor, who employed individuals of this experience and position. The Joint Appointments & Disciplinary Committee Members did ask the individual questions about their past particularly as this information was in the public domain and satisfactory responses were provided. Due diligence had also been undertaken by Penna.

Councillor Atterwill asked if a specification had been drafted for the role in question. He could not recall seeing such a document and therefore was unable to confirm whether it 'matched up' with the individual's CV and asked if the specification could be emailed to Members. He also asked whether the Council had relied on Penna's due diligence or whether the Council would be appointing this person subject to satisfactory references.

The Leader again highlighted the fact that this was a contracted appointment via Penna. This appointment was not for a Chief Executive, it was for a HoPS, a statutory function across two Councils but more importantly the strategic advisor for both councils looking forward in a post Covid world during the middle of a pandemic.

The Executive Director of Strategy & Governance advised that a job description had been provided to the Joint Committee and offered to circulate the same to Members for information.

Councillor Birt again raised concerns that this information was being made available to Members retrospectively and Members were having to make a decision without seeing this information. Referring to Penna and the documents

supplied by this company, he asked the Leader if he had confidence that this organisation was indeed credible.

The Chairman reminded Members that these responsibilities were managed by Officers and the Joint Appointments & Disciplinary Committee. Under normal circumstances, if a senior post became vacant, all Members would be invited to meet the candidates at a venue located at a central point for both Breckland and South Holland DC. Unfortunately, these were very different times and this position needed to be considered at pace so that both Councils could continue moving forward.

Councillor Borrett supported the Chairman's comments.

As it had already been proposed and seconded, a vote was taken and subject to four abstentions and one vote against the recommendation, and pursuant to the recommendation of the Joint Appointments & Disciplinary Committee held on 7 October 2020, it was:

RESOLVED that:

- a) the appointment of an interim Head of Paid Service at Breckland Council in a joint appointment with South Holland District Council be approved;
- b) Nathan Elvery be appointed for a 6-month period commencing from the date of appointment; and
- c) the appointment date be agreed by the Leader of Breckland Council and the Leader of South Holland District Council.

75/20 URGENT BUSINESS (ADDITIONAL ITEM)

The Chairman advised Members of an item of urgent business.

The Chief Executive was the sole Proper Officer for the purposes of signing and issuing summons' for meetings of the Full Council, Committees and Sub-Committees, and the appointment of a Proper Officer should be considered as a matter of urgency as the existing Chief Executive had left the authority and there were no other appointed Proper Officers.

Following a proposer and a seconder, it was

RESOLVED that the three existing Executive Directors (Place, Strategy & Governance and Commercialisation) be appointed as the Proper Officers for the purposes of signing and issuing summons' under Schedule 12 of the Local Government Act 1972.

The meeting closed at 4.55 pm

CHAIRMAN