
JOINT APPOINTMENTS COMMITTEE

Relevant Portfolio Holder	Councillor Joe Baker
Portfolio Holder Consulted	Yes
Relevant Assistant Director	Claire Felton
Report Author Claire Felton	Job Title: Assistant Director of Legal, Democratic and Property Services Contact email: c.felton@bromsgroveandredditch.gov.uk Contact Tel: 01527 64252
Wards Affected	All
Ward Councillor(s) consulted	N/A
Relevant Council Priority	An effective and sustainable Council
Non-Key Decision	
If you have any questions about this report, please contact the report author in advance of the meeting.	

1. RECOMMENDATIONS

Council is asked to RESOLVE that:-

- 1. The Joint Appointments Committee (JAC) has a standing sub-committee to deal with disciplinary matters on its behalf, which will replace the current Statutory Officers Disciplinary Action Panel.**
- 2. Responsibility for the functions carried out by the Employment Appeals Committee and the Statutory Officers Disciplinary Action Committee be transferred to the JAC and it's sub-committee(s).**
- 3. The Committee Terms of Reference (Part 3 of the constitution) be updated to reflect the creation of the JAC and the transfer to it of the functions currently carried out by the Employment Appeals Committee , and the Statutory Officers Disciplinary Action Panel as set out at Appendix A.**
- 4. To authorise the Monitoring Officer to update the Constitution, including any consequential amendments required as a result of the above.**

2. BACKGROUND

- 2.1 At Full Council on 29th July 2024 Members approved the creation of a Joint Appointments Committee ("JAC"). This committee will operate as a joint committee with Bromsgrove District Council pursuant to sections

101 and 102 of the Local Government Act 1972 and carry out the functions of appointing the Chief Executive/ Head of Paid Service. The JAC will also carry out other employment related functions relating to Joint Statutory Officers.

- 2.2 Since the meeting on 29th July officers have continued to work on the establishment of the JAC and considered in more detail how the committee can be set up to cover the full range of employment issues that are relevant to jointly employed statutory officers.
- 2.3 This has resulted in some additional matters being transferred to the committee which were not detailed in the previous report. To ensure that Members are fully aware of the proposed structure and operation of the JAC more details of these changes are set out in section 3.
- 2.4 Part 3 of the Constitution (Committee Terms of Reference) has been updated to reflect the changes referred to in this report and the previous report dated 29th July. A copy of the final version of the Terms of Reference is attached at Appendix A.
- 2.5 The Monitoring Officer is requesting a delegation to update the Constitution with any consequential amendments which will include finalising the wording of the full committee reference terms for the JAC. This document will include the mandatory wording relating to employment of statutory officers as required under Local Authorities (Standing Orders) Regulations 2001 (as amended) Schedule I Part II and will replace the existing Officer Procedure Rules at Part 15 of the Constitution.

3. OPERATIONAL ISSUES

- 3.1 Members will be aware from the previous report that there are detailed statutory provisions all councils must comply with regarding the employment of statutory officers.
- 3.2 Prior to the creation of the JAC council functions in relation to appointment and dismissal of Joint Statutory Officers were shared between the Appointments Committee, the Employment Appeals Panel and the Statutory Officers Disciplinary Action Panel.
- 3.3 Under the new arrangements responsibility for these three areas passes to the JAC, and as a consequence the Employment Appeals Panel, Appointments Committee and Statutory Officers Disciplinary Action Panel will no longer be required.

- 3.4 The JAC will exercise the function of recruiting to posts including Head of Paid Service/ Chief Executive and Section 151 officer and monitoring officers, with the final decision to be made by Full Council. Members have already resolved to replace the Appointments Committee with the Joint Appointment Committee as set out in recommendation 1.1 of the report to Council on 29th July.
- 3.5 The disciplinary and dismissal functions for Statutory Officers currently sit with the Statutory Officers Disciplinary Action Panel. It is being proposed that in future those responsibilities will be carried out by a standing sub-committee of the JAC. This will be called the Statutory Officers Disciplinary Panel and include Members from both Councils operating as a panel taken from the main committee membership. By setting up a standing sub-committee members from both councils will be able to make joint decisions on both appointments and disciplinary matters.
- 3.6 In addition, the JAC terms of reference will ensure that the Council can comply with other statutory requirements which may arise in relation to employment of Joint Statutory Officers from time to time. This includes the ability to convene an Appeal Panel if required and the appointment of Independent Persons.
- 3.7 As already resolved by Members on 29th July, for the purposes of the current recruitment process for the posts of Head of Paid Service and section 151 officer, the JAC will appoint an ad hoc sub-committee of 6 members (three from each Council) to form the final interview panel and make recommendations to the JAC.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no direct financial implications arising from this report.

5. LEGAL IMPLICATIONS

- 5.1 Local Authorities have powers to create a joint committee pursuant to S101 and 102 of the Local Government Acts 1972 and all other relevant legal powers.
- 5.2 Joint non-executive committees are subject to the political proportionality requirements imposed by the Local Government and the Housing Act 1989.
- 5.3 The mandatory provisions to be incorporated in Council constitutions are the Local Authorities (Standing Orders) Regulations 2001 (as amended)

Schedule I Part II. These provisions are reproduced in the JAC Terms of Reference.

6. OTHER - IMPLICATIONS

Relevant Strategic Purpose

- 6.1 The action proposed in this report supports the strategic purpose “an effective and sustainable Council”.

Climate Change Implications

- 6.4 There are no specific climate change implications.

Equalities and Diversity Implications

- 6.5 . There are no known equalities implications arising from the options outlined in this report.

7. RISK MANAGEMENT

- 7.1 As set out in the previous report to Council on 29th July 2024, the establishment of the JAC will reduce risks for each Council by the provision of a single decision-making process to enable a consistent and co-ordinated approach to the appointment of statutory officers.

- 7.2 The creation of a standing committee of the JAC to exercise disciplinary and dismissal functions for Statutory Officers on behalf of both councils will have the following advantages:-

- to extend joint decision making to additional aspects relating to the employment of statutory officers;
- to provide a joint forum between the two councils for these matters thus leading to greater consistency and co-ordination;
- to enable both Councils to demonstrate that they have streamlined processes and procedures in place to discharge their statutory obligations under the Local Authorities (Standing Orders) Regulations 2001 (as amended) Schedule I Part II.

7.4

8. APPENDICES and BACKGROUND PAPERS

Appendices

Appendix A - Updated Committee Terms of Reference (Part 3)

Background Papers

Report to Council - Establishment of Joint Appointment Committee
dated 29th July 2024

9. REPORT SIGN OFF

Department	Name and Job Title	Date
Portfolio Holder	Cllr Joe Baker	
Lead Director / Assistant Director	Guy Revans Executive Director	
Legal Services	Claire Felton Assistant Director of Legal, Democratic and Property Services	