

Committee: Appointments Committee

Date: 28 March 2024

Wards: All

Subject: Appointment of Chief Officers

Lead Director: Polly Cziok, Executive Director of Innovation and Change

Lead member: Councillor Ross Garrod, Chair of the Appointments Committee

Contact officer: Tricia Palmer, HR Consultant

Recommendations:

- A. That the Appointments Committee recommends that Full Council agrees to the salary package for the Director of Commercialisation role outlined in section 2 below in accordance with the Council's Pay Policy Statement.
 - B. That the Appointments Committee delegate to the Chief Executive, in consultation with the Chair of the Appointments Committee, the authority to amend the Job Description for the post, where those amendments will not lead to a change of salary range.
 - C. That the Appointments Committee delegates the implementation of the recruitment process for the Director of Commercialisation post to the Executive Director of Innovation and Change in consultation with the Chair of the Appointments Committee.
 - D. To note that an Appointments Sub-Committee has been established for the post of Executive Director for Children, Lifelong Learning, and Families, further to the announcement of the retirement of the current postholder, and as agreed at the last meeting of the Committee.
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1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 At the last meeting of the Appointments Committee, members recommended to Full Council the salary packages for a number of senior roles, and agreed that they would be advertised in two tranches. The first set of roles have been advertised and are each at different stages of the recruitment process.
- 1.2 Since the last meeting, the Council's Budget has been formally agreed, which included funding for an additional Chief Officer in the Finance and Digital Directorate.
- 1.3 The post is Director of Commercialisation and it will be a key role for Council-wide transformation and modernisation through development and delivery of an innovative and bespoke commercial programme while leading cutting-edge procurement and transactional services. The post will ensure that the Council is able to maximise its income generation opportunities, get the most out of its

contracts and its traded services, and create sustainable income streams to underpin the long-term financial stability of the organisation. Merton is embarking on a programme of significant and ambitious investment, from building houses to regeneration activity with this post playing a key strategic role in enabling place shaping across the borough through the provision of procurement and commercial advice and support. It will take an influential and leading role in the operating models and delivery mechanisms of high-profile frontline services, including Waste and Recycling, whilst ensuring we meet our commitments to Net Zero and Climate Change. The post will also play an important role in supporting the Council's transformation programme, creating a more commercial organisational culture, and being a trusted adviser on the projects and programmes of change, using commercial knowledge and skills to advise senior leaders and guide informed decision making at all levels.

- 1.4 A recruitment process for this role will commence alongside those identified in the last report to this Committee as part of the second phase of the Council's ongoing senior recruitment. This will be subject to Full Council agreeing the salary package for the role.
- 1.5 The role is not a Member appointment, but the Chief Executive will be asking the relevant Cabinet Lead to take an informal role in the recruitment process.
- 1.6 Using a framework procurement agreement, the Council has appointed Starfish Search as its recruitment partner for this senior recruitment. They have a good track record of working with Merton, and an impressive knowledge of the London local government recruitment market, as well as a proven commitment to inclusive recruitment. The Director of Commercialisation role will be added to our current agreement with Starfish and falls within the financial scope of the initial schedule.
- 1.7 The Job Description for the role is included as an Appendix to this paper.

2 ROLE FOR PERMANENT RECRUITMENT

Director of Commercialisation

To agree to a salary range of £108,790 - £116, 319 for the post of Director of Commercialisation

3 UPDATE ON RECRUITMENT PROCESS FOR EXECUTIVE DIRECTOR – CHILDREN, LIFELONG LEARNING, AND FAMILIES

- 3.1 To note that an Appointments Sub-Committee has been established comprising of Cllr Garrod as Chair of the Appointments Committee, Cllr Brenda Fraser, Cllr Sally Kenny as Cabinet Leads, a representative of the Liberal Democrats and a representative of the Conservatives. The deadline for application has passed, with a strong field of candidates showing interest in the role. Shortlisting will take place during w/c 8th April, with final panel interviews scheduled for 22/23 April.

4 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 4.1 Salaries for the Director of Commercialisation role is contained within agreed budgets for 2024/25.

5 LEGAL AND STATUTORY IMPLICATIONS

- 5.1 Section 38 (1) of the Localism Act 2011 requires the Council to prepare a Pay Policy Statement for each financial year. It must be approved by a resolution of the Council before 31 March each year before it comes into force, and it must be published in such manner as the Council thinks fit (which must include publication on the website). The most recent Pay Policy was approved by Full Council on 6 March 2024.
- 5.2 The Statement must include the Authority's policies relating to: (a) the level and elements of remuneration for each chief officer, (b) remuneration of chief officers on recruitment, (c) increases and additions to remuneration for each chief officer, (d) the use of performance-related pay for chief officers, (e) the use of bonuses for chief officers, (f) the approach to the payment of chief officers on their ceasing to hold office under or to be employed by the authority, and (g) the publication of and access to information relating to remuneration of chief officers.
- 5.3 Section 40 of the Localism Act includes provision for the Secretary of State to issue guidance on the content and application of pay policy statements. Councils must have regard to this guidance in the exercise of their functions under the pay policy provisions. Initial Guidance under section 40 has been published and this was supplemented by further Guidance in February 2013. The Guidance is statutory guidance, and although it is not law, it is not mere advice, and the Council must consider it carefully and have cogent reasons if it wishes to depart from it. Failure to do so may result in any decision being challenged.
- 5.4 The Guidance states that Full Council should be given the opportunity to vote before salary packages for new appointments of £100,000 or more are agreed. This is consistent with the Council's pay policy statement which states that Full Council shall be offered the opportunity to vote on any offer of employment being made where the proposed salary package exceeds £100,000.
- 5.5 Section 41 of the Localism Act 2011 says that in making a decision which relates to the remuneration of or other terms and conditions applying to a chief officer, the Council must comply with its pay policy statement for the financial year. The recommendations in this report comply with the pay policy statement approved by Full Council on 6 March 2024.
- 5.6 Under the provisions of the Employee Procedure Rules (Part 4H) in the Council's Constitution, the appointment of the Director of Commercialisation post is the responsibility of the Head of Paid Service (not Members). Given that this post is

a deputy chief officer post, an offer of employment for this post shall only be made where no material or well-founded objection from any member of the Cabinet has been received. The process to be followed is set out at paragraph 6 of the Employee Procedure Rules. In all other respects, the recruitment process must comply with the Council's recruitment procedures.

6 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 6.1 The contents of this report are designed to ensure that the Council's processes are human rights and equalities compliant, in particular in relation to compliance with the Public Sector Equality Duty. Grading of posts is based on the principles of equal value as determined by use of objective job evaluation schemes. Recruitment will be undertaken in accordance with the Council's recruitment procedures.

7 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 7.1. None

8 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- Job Description relating to the post outlined in the paper.

9 BACKGROUND PAPERS

- 9.1. None

Department Approval	Name of Officer	Date of Comments
<i>Legal</i>	John Scarborough	20/3/24
<i>Finance</i>	Asad Mushtaq	20/3/24
<i>Executive Director</i>	Polly Cziok	20/3/24
<i>Cabinet Member</i>	Cllr Ross Garrod	19/3/24

10 CONTACT

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11 USEFUL LINKS

- Merton Council's Web site: <http://www.merton.gov.uk>
- Readers should note the terms of the legal information (disclaimer) regarding information on Merton Council's and third party linked websites.
<http://www.merton.gov.uk/legal.htm>
- This disclaimer also applies to any links provided here

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