

Committee: Appointments Committee

Date: 8 May 2024

Subject: Appointment of Chief Officers

Lead officer: Polly Cziok, Executive Director Innovation and Change

Lead Member: Councillor Ross Garrod, Chair, 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 roles 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 posts, where those amendments will not lead to a change of salary range.

C. That the Appointments Committee delegates the assimilation to these posts to the Executive Director of Innovation and Change in consultation with the Chair of the Appointments Committee.

D. That the Appointments Committee recommends that Full Council agrees to the salary package for the Executive Director for Housing and Sustainable Development role outlined in section 2 below in accordance with the Council's Pay Policy Statement, further to the resignation of the postholder.

E. That the Appointments Committee agrees to commence recruitment to the post of Executive Director for Housing and Sustainable Development and to establish a subcommittee for the purposes of agreeing a shortlist of candidates and to act as the interview panel for the final interview.

F. 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.

G. That the Appointments Committee approves the general recruitment process for the Executive Director for Housing and Sustainable Development post as outlined in paragraph 3 and delegates the implementation of that process to the Executive Director of Innovation and Change in consultation with the Chair of the Appointments Committee.

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

1.1. At the last two meetings of the Appointments Committee, members recommended to Full Council the salary packages for a number of senior roles to be advertised in two tranches. All of those jobs have now been advertised, with a number of key appointments having been made (subject to pre-employment checks and relevant Member approvals) with others having interviews scheduled. Overall, there has been a good response from the market to all roles advertised and feedback from candidates that there is a sense of excitement about Merton as an employer, a recognition that the Council is changing, and a desire from candidates to be part of that change.

1.2. As well as undertaking external recruitment to a number of key roles, Executive Directors are starting to review existing staffing structures and undergo departmental restructures where appropriate.

- 1.3. The Executive Director for Environment, Civic Pride, and Climate is undertaking a management review, and wishes to delete the existing role of Head of Libraries and Culture, and replace it with a new role of Director of Culture, Libraries, and Sport. This new role would be an internal assimilation in line with the Council's current reorganisation policies, but above the salary threshold for Appointments Committee/Full Council approval, hence its inclusion in this paper.
- 1.4. The role will bring together the leadership of the Council's highly successful and well-regarded libraries and cultural services, with the management of our leisure contract, and the team delivering our Borough of Sport aspirations.
- 1.5. This management review will also delete the role of Head of the Regulatory Services Partnership, which oversees the shared service across Merton, Richmond and Wandsworth. The postholder will be entitled to assimilation into the existing Director of Public Protection role which is vacant. Assimilation for this postholder will mean an existing market supplement on the salary for the old role will be integrated into the salary for the new role.
- 1.6. 1.6 This restructure will be subject to Full Council agreeing the salary package for the roles.
- 1.7. 1.7 Since the last meeting of the Appointments Committee, the Executive Director for Housing and Sustainable Development has tendered her resignation, and a recruitment process will commence for her replacement. The Chief Executive has put in place robust interim management arrangements to cover this period.
- 1.8. 1.8 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.
- 1.9. 1.9 The Director roles outlined above are not Member appointments, but the Chief Executive will be asking the relevant Cabinet Lead to take an informal role in the recruitment process.
- 1.10. 1.10 Using a framework procurement agreement, the Council has appointed Starfish Search as its recruitment partner for the Executive Director 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 Executive Director role will be added to our current agreement with Starfish and falls within the financial scope of the initial schedule.
- 1.11. The Job Descriptions for these roles are included as an Appendix to this paper.

2 ROLES FOR PERMANENT RECRUITMENT

- 2.1 To agree to a salary range of £101,262 - £108,790 for the Director of Culture, Sport and Libraries
To agree to a salary range of £101,262 - £108,790 for the Director of Public Protection
To agree to a salary range of £134,690 - £154,539 for the Executive Director for Housing and Sustainable Development

3 RECRUITMENT PROCESS FOR EXECUTIVE DIRECTOR – HOUSING AND SUSTAINABLE DEVELOPMENT

- 3.1 The full recruitment process will involve agreement of a longlist of candidates, who will then be put through a preliminary interview with a technical assessor. The technical assessors will be agreed by the Chief Executive, in consultation with the

Chair of the Appointments Committee, after recommendations by the recruitment partner.

3.2 The recruitment process will then continue with agreement of a shortlist of candidates, who will then be put any recommended psychometric profiling or testing in accord with standard practice for senior appointments. Shortlisted candidates will then be invited to the interview day, which will consist of a stakeholder panel interview, a staff panel interview, 1-1 meeting with the Chief Executive, an informal lunch with key colleagues and ending with the final panel interview with the Appointments Sub-Committee who will make the final appointment decision.

3.3 The stakeholder panel will include representatives from a range of key partners, which will be decided by the Chief Executive in consultation with the Chair of the Appointments Panel. The staff panel will be drawn from across the Housing and Sustainable Development Directorate and include members of the staff equalities networks.

4 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

4.1. Salaries for these roles are contained within existing budgets for 2024/25. Permanent recruitment will allow the Council to maintain stable leadership, retain existing staff, and to avoid reliance on agency staff and short-term management arrangements.

5 LEGAL AND STATUTORY IMPLICATIONS

5.1 Section 38 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 it comes into force, it must be prepared and approved before 31 March, 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 advises that Full Council should be given the opportunity to vote before salary packages of £100,000 or more are offered in respect of a new appointment. This is consistent with the Council's pay policy statement which states that the approval of Full Council is required prior to any offer of employment being made where the proposed salary 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 Executive Director Housing and Sustainable Development is the responsibility of the Appointments Committee or Sub-Committee. That Committee or Sub-Committee must include at least one member of the Cabinet. 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.

5.7 Appointments to the other posts referred to in this report are the responsibility of the Head of Paid Service (not Members). However, appointments to the deputy chief officer posts (ie the Director roles) are subject to the procedure set out in paragraph 6 of the Employment Procedure Rules, even though the appointments are being made by officers.

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 CRIME AND DISORDER IMPLICATIONS

7.1. None for the purposes of this report.

8 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

8.1. N/A

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

9.1 Job Descriptions relating to the posts outlined in the paper

10 BACKGROUND PAPERS

Documents from the authorised officer confirming approval of the membership changes agreed under delegated authority.

11 CONTACT

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