

MINUTES

A & B

**Special Shetland Islands Council
Council Chamber, Town Hall, Lerwick
Thursday 7 June 2012 at 2.00pm**

Present:

M Bell	M Burgess
P Campbell	G Cleaver
S Coutts	B Fox
R Henderson	A Manson
D Ratter	F Robertson
G Robinson	D Sandison
C Smith	G Smith
T Smith	M Stout
A Westlake	J Wills
A Wishart	V Wishart

Apologies:

A Cooper	A Duncan
J Wills (lateness)	

In attendance (Officers):

D Bell, Executive Manager – Human Resources
J Riise, Executive Manager – Governance and Law
L Geddes, Committee Officer

Chair

M Bell, Convener of the Council, presided.

Circular

The circular calling the meeting was held as read.

The Chair advised that the agenda had been released within the statutory timescale giving intimation of the item of business. However the late production of the report procedurally required the item to be introduced to the agenda as an item of urgency. He therefore ruled that due to special circumstances, namely that on intimation of the completion of the Chief Executive's contract in October this year, there was a need for the Council to commence recruitment at the earliest opportunity. This item of business was to be considered at this meeting as a matter of urgency in terms of paragraph 3.2.2 of the Council's Standing Orders for Meetings.

(Dr J Wills attended the meeting)

Declarations of Interest

There were no declarations of interest.

The Chair moved that in order to avoid the disclosure of exempt information, the Council resolve to exclude the public in terms of the relevant legislation during consideration of the following item of business. Mr F Robertson seconded.

55/12 Arrangements for Recruitment of a Chief Executive

The Council considered a report by the Executive Manager – Human Resources (Report No HR-019-F), which sought approval for the process and indicative costs involved in the appointment of a new Chief Executive.

The Executive Manager – Human Resources summarised the main terms of the report, advising that the post would be advertised nationally and that the estimated procurement costs referred to in paragraph 3.8 would be covered by the Council's low value contract procedures. In response to queries, she advised that the services of the Society of Local Authority Chief Executives (SOLACE) had been used when the Council had been recruiting and appointing its senior managers, but not when the Council had last appointed a permanent Chief Executive. Whilst the Council had used the services of Munro Consulting via the Convention of Scottish Local Authorities (CoSLA) in the past, SOLACE had been closely involved with the Council in developing its new structure and was very familiar with the Council's Improvement Plan and Action Plan. With regard to timescales, she advised that it would normally take around three months to complete the recruitment and selection process for senior positions. However it was unlikely that the person appointed would be able to take up the position immediately. It would therefore depend on their contractual notice period, although it may be possible to reach agreement with another local authority on other arrangements for taking up the post sooner.

Some discussion took place regarding whether the full Council should be involved in the final interview process.

The Executive Manager – Human Resources advised that this would be outwith Chief Officer Protocols and the Council's current Recruitment and Selection Policy, which stated that the decision to appoint a Chief Executive would be made by the full Council, taking advice from an Appointments Panel established by the Executive Committee.

Some Members were of the view that given the significance of the position, the full Council should be involved in interviewing candidates following the recruitment and selection process. It was suggested that it was important to appoint someone that all Members had confidence in, rather than endorsing a decision that had already been made by the Appointments Panel. As this could effectively mean that five Members out of 22 had made the decision, it was argued that such a significant decision should not be delegated to a small number of Members.

However the Leader pointed out that the Council had been criticised by the Accounts Commission in the past for not following professional advice on policy and protocols, and had developed its current Appointment of Chief Officials Protocols in light of these criticisms. He stated that it was important to demonstrate that the Council was moving ahead and learning from its mistakes. It was also pointed out by other Members that the Council would probably be the only local authority in Scotland to involve all Members in the final interview process. Concern was expressed that this would be unwieldy and time consuming, particularly as all Members would require appropriate training before they could participate.

It was questioned what information would be made available to Members who may not be involved in the recruitment and selection process.

The Executive Manager – Human Resources explained that a summary of information on the candidate in terms of the key issues that had enabled the Appointments Panel to make a recommendation would be made available to all Members. Following a question about the possibility of meeting all candidates as part of the selection process,

she advised that it was not usual for all Members to have an informal meeting with the candidates as part of the Council's existing protocols, however she agreed to explore this. Advice would be taken from other authorities and the recruitment specialists to ensure that this did not allow any bias or other influences to come into the process. If the full Council had valid reasons for not agreeing with the recommendation of the Appointments Panel, it would be necessary for the Appointments Panel to reconvene and consider a reserve candidate, or begin the whole recruitment and selection process again.

Dr J Wills moved the recommendations in the report be approved, with the proviso that the shortlisted candidates selected during the recruitment and selection process were interviewed by the full Council before an appointment was made.

Mr F Robertson seconded.

Mr A Wishart moved, as an amendment, that the recommendations in the report be approved.

Mr G Robinson seconded.

Some discussion took place regarding the membership of the Appointments Panel, and it was suggested that the full Council should be involved in making the appointments to the Appointments Panel rather than the Executive Committee.

It was pointed out that there were no North Isles Members on the Executive Committee, and concern was expressed that they would have no representation in the recruitment process. It was therefore suggested that the Appointments Panel should consist of one Member from each Ward plus the Convener and Vice-Convener.

Dr J Wills, with the consent of his seconder, agreed to incorporate this into his motion.

The Convener pointed out that the Executive Committee could appoint the Appointments Panel from any Members of the Council, and were not restricted to appointing Members from the Executive Committee only.

Mr A Wishart, with the consent of his seconder, confirmed that his amendment was that the recommendations in the report be approved, with the proviso that the full Council appoints the Appointments Panel.

The Executive Manager – Governance and Law advised that the Chief Officer Protocols formed part of the Council's constitutional documents. Both the motion and amendment proposed alterations to these arrangements, and these alterations would therefore require to be considered by the Council at its next ordinary meeting on 4 July.

On the basis of the above advice, and the advice received that the Executive Committee could nominate any Member to be on the Appointments Panel, Mr A Wishart, with the consent of his seconder, advised that his amendment was that that the recommendations in the report only be approved.

After summing up, voting took place by show of hands and the result was as follows:

Amendment (Mr A Wishart)	15
Motion (Dr J Wills)	4

The Executive Manager – Governance and Law pointed out that under the procedures, there was a need for a Senior Responsible Officer (SRO) to be appointed to give instruction to the Executive Manager – Human Resources.

The Council unanimously agreed to confirm that the Convener would oversee the process for the appointment of an SRO to be identified by the Corporate Management Team.

Decision:

The Council **RESOLVED** to:-

1. Approve the process and indicative costs involved in the appointment of a new Chief Executive.
2. Approve the continuing assistance of SOLACE to support the recruitment exercise and complete the Council Corporate Management Structure.
3. Confirm that the Convener would oversee the process for the appointment of an SRO to be identified by the Corporate Management Team.

The meeting concluded at 3.10pm.

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Chair