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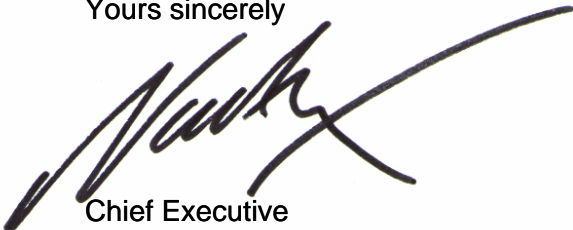
19 May 2011

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **SCRUTINY (POLICY AND PERFORMANCE)** Committee will be held in the HMS Brave Room at these Offices on Tuesday 31 May 2011 at 6.00 pm when the following business will be transacted.

Members of the public who require further information are asked to contact Rebecca Brough on (01304) 872304 or by e-mail at [rebecca.brough@dover.gov.uk](mailto:rebecca.brough@dover.gov.uk).

Yours sincerely



Chief Executive

Scrutiny (Policy and Performance) Committee Membership:

Councillor K Mills	(Chairman)
Councillor J A Cronk	(Vice-Chairman)
Councillor G Lymer	(Spokesperson)
Councillor D Hannent	(Deputy Spokesperson)
Councillor T J Bartlett	
Councillor R J Frost	
Councillor J H Goodwin	
Councillor S C Manion	
Councillor K E Morris	
Councillor P Walker	

AGENDA

1. **APOLOGIES**
2. **APPOINTMENT OF SUBSTITUTE MEMBERS**

To note appointment of Substitute Members.

3. **DECLARATIONS OF INTEREST**

Members are required to disclose the existence and nature of a personal interest under this item of business or when the interest becomes apparent. An explanation in general terms of the interest should also be given to the meeting. If the interest is also a prejudicial interest, the Member should then withdraw from the room or chamber.

NOTE: (1) By virtue of Rule 11 of the Members' Code of Conduct, a member must, if he/she is involved in the consideration of a matter at a meeting of an overview and scrutiny committee or sub committee, regard him/herself as having a personal and prejudicial interest if that consideration relates to a decision made, or action taken, by another committee or sub committee of which he/she may also be a member.

(2) This rule will not apply if the member attends the Scrutiny Committee/Sub Committee for the purpose of answering questions or otherwise giving evidence relating to that decision or action.

4. **SELECTION AND APPOINTMENT OF A JOINT CHIEF EXECUTIVE WITH SHEPWAY DISTRICT COUNCIL** (Pages 3-12)

To consider the joint report of the Director of Governance and the Solicitor to the Council.

**Access to Meetings and Information**

- Members of the public are welcome to attend meetings of the Council, its Committees and Sub-Committees. You may remain present throughout them except during the consideration of exempt or confidential information.
- All meetings are held at the Council Offices, Whitfield unless otherwise indicated on the front page of the agenda. There is disabled access via the Council Chamber entrance and a disabled toilet is available in the foyer. In addition, there is a PA system and hearing loop within the Council Chamber.
- Agenda papers are published five clear working days before the meeting. Alternatively, a limited supply of agendas will be available at the meeting, free of charge, and all agendas, reports and minutes can be viewed and downloaded from our website [www.dover.gov.uk](http://www.dover.gov.uk). Minutes are normally published within five working days of each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting. Basic translations of specific reports and the Minutes are available on request in 12 different languages.
- If you require any further information about the contents of this agenda or your right to gain access to information held by the Council please contact: Rebecca Brough, Democratic Support Officer, telephone: (01304) 872304 or email: [rebecca.brough@dover.gov.uk](mailto:rebecca.brough@dover.gov.uk) for details.

**Large print copies of this agenda can be supplied on request.**

JOINT REPORT OF THE DIRECTOR OF GOVERNANCE AND THE SOLICITOR  
TO THE COUNCIL

RESPONSIBILITY – LEADER OF THE COUNCIL

NON-KEY DECISION

**EXECUTIVE**

SIMULTANEOUS CABINET WITH SHEPWAY DISTRICT COUNCIL CABINET –  
25 MAY 2011  
SCRUTINY (POLICY AND PERFORMANCE) COMMITTEE – 31 MAY 2011

**SELECTION AND APPOINTMENT OF A JOINT CHIEF EXECUTIVE WITH  
SHEPWAY DISTRICT COUNCIL**

**Recommendation**

*To receive and note the report.*

Contact Officer: Harvey Rudd, extension 2321.

**Purpose of the Report**

1. The purpose of this report is to update the Cabinet on the work of both JIF and JAC in managing the process of selecting a candidate for the post of joint chief executive and forming a set of recommendations to council regarding an appointment to the post.

**Reasons why a decision is required**

2. On the 28 February 23 March and 6 April 2011, Dover DC Cabinet and Council made the following decisions:

**CABINET (28 February 2011):**

It was agreed:

- (a) That the Shared Working Protocol (as set out at Annex 1 of the report) be approved and the Leader of the Council authorised to sign the Protocol on behalf of the Council.
- (b) That the Leader of the Council (acting in consultation with the Solicitor to the Council and the Director of Governance) be delegated the function of agreeing and authorising any legal agreements necessary to give effect to the Protocol.
- (c) That the creation of a single party Cabinet advisory group, comprising 5 members, which will sit with an equal size group from Shepway District Council as the Joint Implementation Forum, operating within the terms of reference as set out in the Protocol (as set out at Annex 1 of the report), be approved.
- (d) That the task of appointing an external Human Resources specialist to

support the Joint Implementation Forum and the Joint Appointments Committee with the selection and appointment of the joint chief executive, to the Solicitor to the Council, acting in consultation with the Head of Corporate Services of Shepway District Council and the Head of the East Kent Human Resources Partnership.

**COUNCIL (23 March 2001):**

- RESOLVED:
- (a) That the shared working protocol, as set out in Annex 1 of the report, be approved.
  - (b) That, subject to the selection of a Joint Chief Executive which is mutually agreed with Shepway District Council, the current post of Chief Executive be deleted from the establishment and replaced by the post of Joint Chief Executive.
  - (c) That the creation of a politically balanced Joint Appointments Committee be approved.
  - (d) That the Terms of Reference, as set out in Annex 4 of the report, and the Composition and Procedure rules, set out in Annex 5 of the report, for the Joint Appointments Committee be approved.
  - (e) That the Director of Finance and ICT, in consultation with the Leader of the Council, be given delegated authority to use up to £50,000 of general fund balances or earmarked reserves as a supplementary budget to meet the costs of the project.
  - (f) That the Director of Governance be requested to initiate a review of the Constitution of the Council with a view to reporting to the Governance Committee on any changes to the Constitution which are necessary to facilitate the proposals set out in this report.

**CABINET (6 April 2011)**

It was agreed that Councillors S S Chandler, P G Heath, N S Kenton, F J W Scales and P A Watkins be appointed to serve on the Cabinet Advisory Group.

3. The rest of this report provides an update on how the relevant councillors and officers have gone about implementing these recommendations.

**The Tender for an External HR Specialist**

4. The Solicitor to the Council, acting in consultation with the Head of Corporate Services of Shepway District Council and the Head of the East Kent Human Resources Partnership was delegated the task of appointing an external HR specialist to support the Joint Implementation Forum and the Joint Appointments Committee with the selection and appointment of the joint Chief Executive.

5. Five regional employers organisations (East Midlands, East of England, London, West Midlands and Yorkshire & Humber) were invited to submit a bid to provide external HR support to assist councillors from both authorities with the task of selecting and appointing to the role of joint chief executive from the existing two chief executives.
6. The scope of the role for the HR specialist was defined as:
  - Help members define the role of the joint chief executive
  - Advice on the appropriate terms and conditions for the post
  - Design and assist with the assessment and recruitment process

### **The Appointment of East Midlands Councils to provide External HR Support**

7. Following the invitation to tender, East Midlands Councils was awarded the contract to provide external HR support.
8. The support to councillors is to be provided in three phases:

#### *Phase 1: Determine the role of the joint chief executive and advise on the terms and conditions for the post*

- Gain an understanding of Members' requirements regarding the role of the Joint Chief Executive for both authorities
- Help Members to determine the job description, person specification, salary and remuneration package for the post of Joint Chief Executive
- Once the role and job description have been agreed by Members, advise if the role would be a suitable offer of alternative employment to either or both of the existing Chief Executives
- Advise both Authorities regarding the appropriate HR procedures to follow during this process, in particular any formal consultation with the existing Chief Executives.

#### *Phase 2: Selection and recruitment*

- Advise Members on the most appropriate selection process, including an objective means of evaluating the two candidates
- Handle the written applications from the candidates for the post once the job description has been defined
- Run the selection process including secretariat support
- Ensure that the selection is fair and consistent with the evaluation criteria for the post
- Advise on the ongoing formal consultation with the candidates

#### *Phase 3: Manage the Appointment and Redundancy Following a Selection*

- Identify the actions that both respective Councils will need to take once a decision to appoint to the post has been made
- Advise on the formal recommendations to both Councils
- Write formally to the successful candidate and offer the new contract of employment
- Formally notify the unsuccessful candidate(s) that their employment will be terminated on the ground of redundancy

9. The cost of this external HR support is estimated at approximately £8,812.50 plus VAT and reasonable expenses. The pricing structure is broken down as:

Phase 1	It is estimated that this phase will require 5½ days consultancy support at the East Midlands Councils daily rate of £625 plus VAT and reasonable expenses (e.g. travel and, if required, accommodation). The intention is that this work would include attending and facilitating on-site meetings, as well as working off-site to reduce travel costs, where possible.
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Phase 2	The recruitment and selection process will be designed and delivered at a cost of £4,125 plus VAT and reasonable expenses.
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Phase 3	It is estimated that this phase will require 2 days consultancy support at the daily rate of £625 plus VAT and reasonable expenses.
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10. Under the terms of the Shared Working Protocol, both councils agree to share all project costs equally, which would mean that the cost to Dover DC would be around £4,400.

#### **Timetable**

11. On 3 May 2001 members of the JIF met informally with representatives of East Midlands Councils.
12. Following the discussions, East Midlands Councils were tasked with the following:
- To produce a draft job description and person specification for the post of joint chief executive.
  - To advice on the appropriate remuneration package for the post based on the initial input of councillors and through benchmarking with relevant authorities.
13. The report of the East Midlands Councils to the Joint Implementation Forum on the role description and person specification of the joint chief executive is attached. The recommendations of JIF will be reported orally to the meeting.
14. At the meeting, the following timetable was discussed:

25 May	<p>Formal meeting of the Joint Implementation Forum at Dover at 1.00 pm to receive the report and recommendations from East Midlands Council regarding phase 1 of the work.</p> <p>The JIF will make recommendations to the JAC regarding the job description; person specification; and terms and conditions of employment for the post of the joint Chief Executive.</p> <p>The JIF meeting is to be followed by a simultaneous meeting of both cabinets</p>
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6 June	First meeting of Joint Appointments Committee to agree the recommendations of JIF and to agree the selection and interview process for the post of joint chief executive.
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5 July	Interviews with the two candidates held by the Joint Appointment Committee with the support of East Midlands Councils. The Joint Appointment Committee to form recommendations for both council regarding the preferred candidate.
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6 July	Special council meetings of both councils to consider the recommendations of the Joint Appointments Committee.
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### **Risk Management**

15. A summary of the perceived risks to the council is shown in the following table:

<b>Risks</b>	<b>Mitigation / Risk Controls</b>
<ul style="list-style-type: none"> <li>• The selection process is flawed</li> </ul>	<ul style="list-style-type: none"> <li>• Follow professional advise</li> </ul>

### **Next Steps**

16. The recommendations of JIF will be reported to the first meeting of JAC on 6 June 2011. JAC will consider those recommendations and also agree the selection and interview process.

### **Legal and Financial Comments**

#### Legal Officer's comments (HR)

External advice has been sought to ensure that the processes comply with statutory requirements. Since the report to Cabinet on 28 February 2011 was written legal advice has been received by Shepway District Council stating that it is possible for any redundancy costs to be shared equally. The joint working protocol states that both councils are committed to the principle of sharing any redundancy costs equally.

#### Finance Officer's comments (MD)

Please refer to the report to Cabinet on 28 February 2011 and paragraph 9 of this report.

#### Background Papers

Report of Mark Parkinson – Corporate Director Communities and Deputy Chief Executive Shepway DC to Shepway DC Cabinet meeting of 25 May 2011

### **Attachments**

Appendix 1 – Role description and person specification for the joint chief executive post

DAVID RANDALL

HARVEY RUDD

Director of Governance

Solicitor to the Council

The officer to whom reference should be made concerning inspection of the background papers is the Solicitor to the Council, Dover District Council, White Cliffs Business Park, Dover, Kent CT16 3PJ. Telephone: (01304) 821199, Extension 2321.

**Folkestone**

Hythe &amp; Romney Marsh

Shepway District Council



## **Dover District Council and Shepway District Council**

### **Joint Chief Executive Officer**

#### **Role Description**

##### **Key Purpose**

To provide organisational leadership to enable the respective strategic objectives of both Councils to be achieved and excellent services are delivered.

To provide the overarching managerial framework to ensure effectiveness in service development and delivery and act as an advocate for both Councils at local, regional and national levels.

Working closely with the respective Councils, Leaders, Joint Member Committees, to establish joint working arrangements and a shared approach to the delivery of key services that will improve the quality of people's lives in the two areas and deliver greater value for money.

##### **Key Responsibilities**

###### **Transformational Leadership**

- To demonstrate and provide a clear vision, sense of purpose and direction throughout both organisations to ensure the strategic aims, objectives and priorities of each council are met.
- To assist Elected Members in reviewing the strategic vision and key priorities of each organisation, to aid effective resource allocation to achieve the individual and joint aspirations of both organisations.
- To demonstrate and provide inspirational and motivational leadership to all employees, promoting a "can do" culture.
- To lead and deliver significant transformation and change programmes with the aim of driving effective and efficient service delivery and customer focused improvements.

- To lead the creation and implementation of a joint management team and to lead, with Elected Members of both councils, the further development of joint working arrangements as appropriate to each organisation.
- To ensure that valuing diversity and providing equality of opportunity is embedded within the culture of the organisations, integrated within their policies and practices, to demonstrate fairness and respect for all.

### **Quality Customer Services**

- To champion a “customer first” ethos within the organisations and ensure effective and efficient service delivery against agreed standards.
- To ensure effective community engagement to ensure the needs and views of the community are taken into account when developing and delivering services.
- To demonstrate and embed a strong equality and diversity ethos across both organisations in respect of the organisations’ approach to customers and the delivery of services.

### **Working with Members**

- To establish and maintain effective working relationships with the Leaders, other political group leaders and all Elected Members of both organisations that demonstrates a clear understanding of the nature and context of the various elected member roles.
- To manage the interface between all Elected Members and officers, support the democratic processes, and act as the Councils’ principal advisor on strategic policy options and professional matters, supporting strategic direction and corporate management.
- To undertake regular environmental and horizon scanning to keep ahead of key local and national government changes and developments, distilling information to advise and inform Members and officers in support of policy development.

### **Performance Management**

- To develop the performance management culture throughout the organisations, ensuring that the councils have the required capacity, skills, systems and processes in place to drive the continuous improvement of services.
- To ensure that the merged management team establish and maintain business plans which focus and support the achievement of the objectives and key priorities of both organisations.

### **Partnership and External Working**

- To create a business-like culture of continuous improvement that identifies and develops further opportunities to share service provision with potential partners as appropriate to each organisation.

- To assist both Leaders in their role as the external interface of their respective councils; representing the council and acting as an ambassador in external relationships, locally, regionally and nationally and promoting the economic, environmental and social issues of the areas.
- To build and maintain successful internal and external partnerships and relationships, and to oversee each organisation's communication strategy to promote a positive image of the organisations to partners, citizens, national and regional bodies.

### **Governance/Statutory Responsibilities**

- To undertake the role of the organisations' Head of Paid Service with responsibility for the efficient overall management of functions and resources.
- To ensure the highest standards of probity are maintained at all times through effective governance arrangements.
- To ensure the organisations' resources are optimised and controlled effectively by the development, implementation and monitoring of robust corporate, organisational and financial planning processes.
- To undertake any other duties as laid down in current and future statutes.

The post is politically restricted under the Local Government and Housing Act 1989 and post-holders are prohibited from seeking public election, holding political office, writing or speaking publicly on matters of political controversy.

## Person Specification

### Knowledge and Experience

- Successful and consistent achievement in senior management and strategic policy formation at Chief Executive or Director level in a local authority or comparably large complex organisation.
- A track record in successfully leading and delivering transformational change to improve the performance of an organisation and outcomes for customers.
- Demonstrable evidence of successfully establishing a performance management culture based on innovation, efficiency and customer focus.
- Extensive experience of the management and control of large and complex budgets, demonstrating significant financial and commercial awareness, effective strategic planning and management of risk.
- Able to demonstrate a high degree of political sensitivity and the ability to interpret political will, showing knowledge of the factors that ensure successful working in a political environment.
- Significant experience of working within public sector governance arrangements, including working and building effective relationships with elected members or non-executive directors.
- A comprehensive understanding of local government and the operating context, with the ability to understand and respond to the implications and opportunities for councils of emerging policy and legislation.
- Demonstrable evidence of experience of successful partnership working with a range of communities, partner organisations, private sector providers, public agencies, voluntary and statutory bodies
- Evidence of continuing personal development.

### Key Competencies and Behaviours

- Transformational leadership skills.
- Strong managerial ability to develop a shared management team which harnesses the strength and best practice from both management teams and organisations.
- High level of communication skills.
- Highly developed interpersonal skills for effective relationship building.
- Ability to influence, persuade and negotiate.
- Resilience under pressure.
- Credibility to engender trust and inspire confidence.
- Strong analytical and problem-solving skills, with an ability to produce practical and creative solutions.

- Flexibility and adaptability.
- High level of political acumen and sensitivity.

This post is politically restricted.