

Council Report

Ward(s) affected: All

Report of Director of Resources

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Date: 1 November 2021

Appointment to the post of Joint Chief Executive

Executive Summary

At its extraordinary meeting held on 6 July 2021 the Council agreed to pursue options for collaboration with Waverley Borough Council, namely the appointment of a single management team. At its meeting on 28 July 2021, the Council agreed the job description, person specification and the appointment of a Joint Appointments Committee to carry out the recruitment and make recommendations to both Councils for approval.

Following a rigorous two-day process, which included an external stakeholder panel, and with the advice and support of South East Employers, this report recommends the appointment of Tom Horwood as the Joint Chief Executive of Guildford and Waverley Borough Councils.

The full Council may only make or approve the appointment where no well-founded objection has been made by the Leader on behalf of the Executive in accordance with the provisions of Part II of Schedule 1 of the Local Authorities (Standing Orders) (England) Regulations 2001.

At the time the agenda for this meeting was published, no such objection had been received. Councillors will be updated on this at the meeting.

Recommendation to Council:

- (1) The Joint Appointments Committee recommends to Council that Tom Horwood be appointed to the post of Joint Chief Executive of Guildford and Waverley Borough Councils, and to the statutory roles of Head of Paid Service, Returning Officer and Electoral Registration Officer for both Councils.
- (2) That the above appointments be confirmed once contract negotiations have been finalised.

Reason for Recommendation:

To ensure the Council complies with the requirements of:

- (1) Section 4 of the Local Government and Housing Act 1989 in respect of the appointment of a (Joint) Head of Paid Service.
- (2) Sections 8 and 35 of the Representation of People Act 1983 in respect of the appointment of Electoral Registration Officer and Returning Officer respectively.

Is the report (or part of it) exempt from publication? Yes, in part - Appendix 2.

- (a) The content of Appendix 2 is to be treated as exempt from the Access to Information publication rules by virtue of paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 "Information relating to any individual".
- (b) The content is restricted to all councillors.
- (c) The information will not be made available to the public.
- (d) The decision to maintain the exemption may be challenged by any person at the point at which the Council is invited to pass a resolution to exclude the public from the meeting to consider the exempt information.

1. Purpose of Report

- 1.1 At its extraordinary meeting held on 6 July 2021, the Council agreed to pursue options for collaboration with Waverley Borough Council, namely the appointment of a single management team. At its meeting on 28 July 2021, the Council agreed the job description, person specification and the appointment of a Joint Appointments Committee to carry out the recruitment and make recommendations to both Councils for approval.
- 1.2 Following a rigorous process, under the advice and support of South East Employers, this report recommends the appointment of Tom Horwood, as the Joint Chief Executive (and Joint Head of Paid Service) of Guildford and Waverley Borough Councils.

2. Strategic Priorities

- 2.1 Within the proposed new Corporate Plan 2021-2025 (see separate item elsewhere on this agenda), one of the values held by the Council is to "*work constructively with other councils, partners, businesses and communities to achieve the best outcomes for all.*"
- 2.2 More specifically, one of the performance outcomes to which we will aspire is as follows:

"Our collaboration programme with Waverley Borough Council will deliver cost savings and protect or enhance frontline services in priority areas."
- 2.3 Appointment of a Joint Chief Executive, as part of the collaboration programme, is the first step towards achieving this outcome.

3. Background

- 3.1 Appendix 1 sets out the selection process followed in relation to the appointment. Following the rigorous selection process, it is the decision of the Joint Appointments Committee, taken on 13 October 2021, that Tom Horwood be recommended for appointment to the role of Joint Chief Executive of Guildford and Waverley Borough Councils.
- 3.2 Appendix 2 sets out Tom Horwood's career summary (exempt).

4. Financial Implications

- 4.1 The report to Council on 28 July set out the financial arrangements for redundancy and settlement costs as a result of moving to a joint Chief Executive.

5. Key Risks

- 5.1 Appendix 4 to the report to Council on 6 July included an initial risk analysis, as well as opportunities arising from the overall collaboration. This will be developed further by the Joint Chief Executive and senior team. Any risks associated with further stages of the collaboration will be presented with each individual business case.

6. Legal Implications

- 6.1 The Local Authorities (Standing Orders) (England) Regulations 2001 Schedule 1 Part II paragraph 4(1) as amended ('the Regulations') state that the function of the appointment of an authority's head of paid service must be exercised by the authority (that is, its full Council) before an offer of appointment is made. In this regard, meetings of the full Council of both authorities must confirm the appointment of the Joint Chief Executive/Head of Paid Service before an offer of appointment is made. Waverley Borough Council is also scheduled to meet on 1 November 2021.
- 6.2 The offer of appointment as Joint Chief Executive/Head of Paid Service may only be made where no well-founded objection has been made by the Leaders of both councils on behalf of their respective Executives, with the ability to raise an objection being limited to a member(s) of the Executive via the Leader, in accordance with the provisions of Schedule 1 Part II paragraph 5 of the Regulations. No such objection has been made at the time of publication of this report and, provided no such objection has been made by the time of the meeting, as such there is no impediment to the Council confirming the proposed appointment. Any other legal implications are addressed elsewhere within this report.
- 6.3 In view of the imminent departure of James Whiteman as Managing Director following his redundancy, it will also be necessary for the Council to appoint a new Electoral Registration Officer and Returning Officer, as required by Sections 8 and 35 of the Representation of People Act 1983. One of the overall objectives for the new post, as stated in the role profile approved by both councils was:

"To fulfil the statutory role of Electoral Registration Officer, under the provisions of Section 8 of the Representation of People Act 1983 and fulfil any Returning Officer functions for elections under the provisions of Section 35 of the Representation of People

Act for such period as the contract of employment is in place or the Council determines otherwise.”

It is therefore recommended that Tom Horwood should also be appointed as Guildford's Electoral Registration Officer and Returning Officer.

7. Human Resource Implications

- 7.1 South East Employers has been engaged to provide human resources advice to the two Councils in respect of the appointment, with the support of both councils' senior HR professionals.

8. Equality and Diversity Implications

- 8.1 Equality impact assessments are carried out when necessary across the Council to ensure service delivery meets the requirements of the Public Sector Equality Duty under the Equality Act 2010. There are no immediate equality, diversity, or inclusion implications in this report's recommendations. Impact assessments may be required as further collaboration proposals are developed and implemented and will be reported as appropriate.

9. Climate Change/Sustainability Implications

- 9.1 The climate change emergency declaration and the urgent target for net zero carbon by 2030 is a critical objective for both councils. While no specific impacts on the climate emergency declaration have been identified as a consequence of this report's recommendations, the Council will be assessing and prioritising the environmental, climate and carbon impacts of any proposals that emerge. It may be noted that Waverley Borough Council, like Guildford, has declared a climate emergency and stated an ambition to "work towards making the Council's activities net-zero carbon by 2030"; potential synergies across the two councils can be explored as part of this project.

10. Consultations

- 10.1 None for the specific purposes of this report, following the recruitment assessment, which itself included a stakeholder panel.

11. Summary of Options

- 11.1 The alternative would be to not appoint a joint chief executive and not progress the collaboration option agreed by Council on 6 July.

12. Background Papers

None

13. Appendices

Appendix 1: Selection Process for the Joint Chief Executive Appointment
Appendix 2: Tom Horwood Career Summary [Exempt]