

# Amendment to the Constitution - Appointment of Chief Operating Officer

## REPORT TO FULL COUNCIL



<b>DATE</b>	<b>2305/2023</b>
<b>PORTFOLIO</b>	<b>Leader</b>
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### PURPOSE

1. To confirm updated arrangements for the recruitment and appointment of a new Chief Operating Officer following the outcome of the local elections.

### RECOMMENDATION

2. That the Council be recommended to:
  - (a) Approve a change to Part 4h of the Constitution – Officer Employment Procedure Rules as set out in this report; and
  - (b) Confirm that the revised methodology will be applied to the formation of the Appointments Committee for the current Chief Operating Officer vacancy if there is an equality of seats between the largest opposition groups.

### REASONS FOR RECOMMENDATION

3. To ensure that the Council makes appropriate arrangements for recruiting a new Chief Operating Officer taking into account changes in Council membership.

### SUMMARY OF KEY POINTS

4. At Council on 20<sup>th</sup> April 2023 approval was given to the establishment of a budget, and to the process for the recruitment and appointment of a new Chief Operating Officer following the appointment of Lukman Patel as Chief Executive from 11<sup>th</sup> August 2023. Members will note that the post has currently been advertised.
5. It was agreed that a report would be returned to Full Council to consider the composition of the appointments committee if considered necessary following the outcome of the local elections.

## 6. **Appointments Committee**

The protocol which has to be followed for appointing a Chief Operating Officer is set out in the Constitution. An Appointments Committee is to be formed and, to ensure that there is appropriate cross-party representation on that Committee, the constitution sets out that the Committee should comprise of the Leader or Deputy Leader, the relevant Executive Member, the Chair (or Vice-Chair) of Scrutiny Committee and the Chief Executive.

7. In the event that the membership of the Committee does not include at least one Member of an opposition group then the Leader of the largest opposition group will be substituted for the Scrutiny place on the Committee. If required, Group Leaders will be able to nominate substitutes.
8. Following the recent elections, the make-up of the Council is as follows: Labour 21, Conservative 7, Green 7, Liberal Democrat 7 and Burnley & Padiham Independent 3. There are three opposition groups tied on 7 seats. Therefore, if the Chair of Scrutiny was not appointed from an opposition group, it is conceivable that no single group would clearly be the largest opposition group. It is likely that two or more groups would be tied.
9. In order to enable the efficient conduct of the Appointments Committee now and in future it is proposed to amend Paragraph 5 of Part 4h of the Constitution – Officer Employment Procedure Rules to read:

### **Appointment of officers on JNC Terms and Conditions (other than the Chief Executive or Heads of Service) – i.e. Chief Operating Officer.**

The Appointments Committee will comprise:

Leader or Deputy Leader

Relevant Executive Member

Chair (Vice Chair as sub) of the Scrutiny Committee

Chief Executive

If, by the application of these Rules the membership of the Committee does not include at least one Member of an opposition group, then the Leader of largest opposition group (or their nominee) will be substituted for the Scrutiny Chair place on the Committee. In the event that there is more than one largest opposition group i.e. there is an equality of seats between two or more groups, the group leaders of those groups will be asked to agree between them who will sit on the appointments committee. If no consensus can be reached on a single nominee between the said largest opposition group leaders, then lots shall be drawn to determine who will sit on the appointments committee.

**FINANCIAL IMPLICATIONS AND BUDGET PROVISION**

10. None

**POLICY IMPLICATIONS**

11. None

**DETAILS OF CONSULTATION**

12. Leader of the Council  
Member Structures Working Group

**BACKGROUND PAPERS**

13. None

**FURTHER INFORMATION**

**PLEASE CONTACT:**

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**ALSO:**