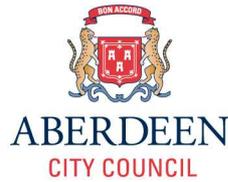


# Public Document Pack

## ADDITIONAL CIRCULATION



To: Councillor Laing, Convener and Councillors Boulton, Cameron, Cooney, Crockett, Dickson, Jackie Dunbar, Flynn, Taylor, Townson, Thomson, Young and Yuill.

Town House,  
ABERDEEN 5 January 2016

## **URGENT BUSINESS COMMITTEE**

The undernoted item is circulated in connection with the meeting of the **URGENT BUSINESS COMMITTEE** to be held here in the Town House on **WEDNESDAY, 6 JANUARY 2016 at 11.30 am.**

FRASER BELL  
HEAD OF LEGAL AND DEMOCRATIC SERVICES

### **BUSINESS**

- 3 Establishment of Appointment Panel in Respect of the Post of Head of Planning and Sustainable Development (Pages 3 - 12)

Should you require any further information about this agenda, please contact Martyn Orchard 01224 523097 or email [morchard@aberdeencity.gov.uk](mailto:morchard@aberdeencity.gov.uk)

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## ABERDEEN CITY COUNCIL

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COMMITTEE	Urgent Business Committee
DATE	6 January 2016
DIRECTOR	Pete Leonard
TITLE OF REPORT	Chief Officer Appointment – Head of Planning and Sustainable Development

REPORT NUMBER:

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### 1. PURPOSE OF REPORT

To seek approval for the setting up of an appointment panel for recruitment to the vacant Chief Officer post of Head of Planning and Sustainable Development.

### 2. RECOMMENDATION(S)

That Urgent Business Committee agrees to –

1. establish an Appointment Panel comprising 9 members in total (3+3+1+1+1) to appoint to the Head of Planning and Sustainable Development, and to identify a Panel Chair.
2. delegate powers to the Appointment Panel to agree all matters relating to the recruitment process, including role profile, person specification and salary;
3. in respect of the timescale for recruitment processes, that powers be delegated to relevant officers to finalise this timeline, in consultation with the Panel convener;
4. appoint external recruitment consultants for the purposes of supporting the recruitment to the post where appropriate;
5. invoke Standing Order 1(6)(a) of the Council's Standing Orders relating to Contracts and Procurement to dis-apply the requirements of Standing Order 5, thereby allowing a contract to be entered into with a recruitment consultancy to support the recruitment process for this post, without the need to undertake a competitive tendering exercise;
6. the estimated expenditure associated with this recruitment exercise, which is estimated to be no more than £50,000, and that these costs be met from contingencies

### 3. FINANCIAL IMPLICATIONS

During the 2015/16 financial year the Council have made efforts to recruit to the Director of Corporate Governance and is currently in the process of recruiting to the City Centre Director role. There is a budget allocation of £50,000 allocated within the HR&CS Service for Chief Officials' recruitment. The budget allocation held Chief Official recruitment is only sufficient to cover one appointment. Therefore additional monies need to be identified and approved for this recruitment and selection process. It is estimated the full costs for this recruitment process, including costs of appointing of external recruitment consultants, running the assessment centre and the purchase and administration of psychometric tests, candidate expenses etc. should be no more than £50,000. It is recommended this unbudgeted cost be met from Council contingencies.

### 4. OTHER IMPLICATIONS

- 4.1 In 2009 the Council undertook a procurement exercise and a framework agreement for the provision of recruitment services was put in place. A Call-Off Contract for the appointment of up to 21 Heads of Service was awarded to an organisation called Munros Consulting. However, this recruitment consultant's framework expired in October 2012 and to date has not been retendered and therefore cannot be used to obtain the required external recruitment services.

It is now requested that Standing Order 1(6)(a) of the Council's Standing Orders Relating to Contracts and Procurement be invoked to allow a new contract to be entered into without the need to seek four quotes in accordance with Standing Order 6 or to undertake a competitive tendering exercise in accordance with Standing Order 5. Ordinarily, where the Council wants to put in place any contract for services with a value below £60,000, the Standing Orders require four written quotes to be sought. Where the estimated value of the contract is above £60,000, a competitive tendering exercise must be undertaken. Matters are slightly complicated here by virtue of aggregation.

Whilst the estimated expenditure is considerably less than the current EU threshold for services contracts (£173,934), the Council has to take account of the aggregation rules, both in terms of its own Standing Orders, but more importantly in terms of compliance with the Public Contracts (Scotland) Regulations 2012 ("the Regs"). Regulation 8(11) requires that where the Council is letting a number of contracts which are part of or arise from a "single requirement" then the value of each contract needs to be aggregated and where the aggregate value exceeds the EU threshold then each constituent/individual contract should be the subject of a tender which is EU compliant

The "single requirement" here is the provision of recruitment support/consultancy services. Over the last year the Council has expended money on the filling of vacancies including the Directors of Corporate Governance and currently is seeking to fill the City Centre Director role. When these costs are aggregated then the expenditure within this report takes the Council beyond the £60,000 limit and closer to the EU threshold. In these circumstances, the need for transparency and equal treatment increases, and to negate any procurement risk, the Council should undertake some form of competitive exercise in order to comply with its EU Treaty requirements of "a degree of advertising and

competition". However, this would take a number of months and the services believe that there is a greater risk to delaying the appointment process than failing to comply with Regulation 8(21).

As mentioned above, in these circumstances the Council would normally undertake a competitive procurement in terms of Standing Order 5. However, if the Council is satisfied that there are special circumstances to exempt any Contract from these requirements, Standing Order 1(6)(a) can be invoked.

It is felt that this current arrangement justifies invoking Standing Order 1(6)(a), thereby enabling the Council to set aside the need for compliance with the tendering requirements of Standing Order 5, by virtue of special circumstances as there is a time pressure to commence the recruitment process as soon as possible. Tendering would delay this process.

## 5. BACKGROUND/MAIN ISSUES

5.1 The post of Head of Planning and Sustainable Development has been vacant since mid-September 2015 when the previous incumbent left. The duties most recently have been covered on an Interim arrangement. It is recommended it is appropriate to seek to fill the vacant Head of Service post.

### 5.2 Establishment of Appointment Panel

In respect of the Head of Planning and Sustainable Development it is proposed:

- (i) **Background** - Standing Order 47(2) states that Directors and Heads of Service of the Council shall be appointed by an Appointment Panel, reflecting the political balance of the Council and chaired by the Convener of the relevant Service Committee or such other member as may be determined.
- (ii) **Composition and chairing arrangements** – that an Appointment Panel is established to recruit to the above vacant post. The composition of the Panel should be 3 Labour (including the Convener), 3 SNP, 1 Liberal Democrat, 1 Conservative and 1 member of the Independent Alliance Group.
- (iii) **Delegation of powers to Panel** – In the interests of accelerating the recruitment process, it is suggested that powers be delegated to the Appointment Panel on all matters relating to the recruitment process. This will include salary details and the role profile and person specification for the post. The Appointment Panel will be advised by the Director during the recruitment process and it is recommended that the services of Aspen People be secured to provide the Panel with expertise of executive search, supporting the appointment process and candidate administration.
- (iv) **Timeline** –The current indicative timeline is as follows-

Mid/Late January 2016	Appointment Panel meets to agree job description, person specification and remuneration package
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Late January 2016	Post advertised
Mid/late February 2016	Closing date for applications
Late February /early March 2016	Appointment Panel meets to agree a shortleat of candidates
Mid March 2016	Assessment Centre held and Appointment Panel meets to interview candidates.

- (v) **Remuneration package/role profile**– It is proposed to authorise the Appointment Panel to agree the role profile at its first meeting.

## 6. IMPACT

An EHRIA assessment has been undertaken and this is attached.

Recruitment to the post will be of interest to all Council Services, partner organisations and the public.

## 7. MANAGEMENT OF RISK

The Director of Communities, Housing and Infrastructure, following advice from the Interim Head of Planning and Sustainable Development, has concluded that a permanent position requires to be filled in order to manage a range of risks to the organisation.

## 8. BACKGROUND PAPERS

None.

## 9. REPORT AUTHOR DETAILS

Pete Leonard, Director of Communities, Housing & Infra structure  
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 Tel: 01224 522

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 Tel: 01224 522106



# Equality and Human Rights Impact Assessment - the Form

There are separate guidance notes to accompany this form – “Equality and Human Rights Impact Assessment – the Guide.” Please use these guidance notes as you complete this form. Throughout the form, **proposal** should be understood broadly to include the full range of our activities and could refer to a decision, policy, strategy, plan, procedure, report or business case, embracing a range of different actions such as setting budgets, developing high level strategies and organisational practices such as internal restructuring. Essentially everything we do!

## STEP 1: Identify essential information

1. Committee Report No.

2. Name of proposal.

3. Officer(s) completing this form.

Name	Designation	Service	Directorate
Pete Leonard	Director – Communities, Housing & Infrastructure	Communities, Housing & Infrastructure	Communities, Housing & Infrastructure

4. Date of Impact Assessment.

5. When is the proposal next due for review?

6. Committee Name.

7. Date the Committee is due to meet.

8. Identify the Lead Council Service and who else is involved in delivering this proposal (for example other Council services or partner agencies).

The Human Resources and Organisational Development Service (HR&OD) co-ordinates the recruitment process for all Chief Official Appointments. However, elected members in the form of an Appointments Panel make the ultimate decision as to which candidate is appointed. The process involves inviting applications, assessing shortlisted candidates at an assessment centre involving internal and external stakeholders.

9. Please summarise this Equality and Human Rights Impact Assessment (EHRIA). This must include any practical actions you intend to take or have taken to reduce, justify or remove any adverse negative impacts. This must also include a summary of how this proposal complies with the public sector equality duty for people with protected characteristics - see Step 2. **Please return to this question after completing the EHRIA.**

We will advertise the post externally and refer all applications to a shortlisting meeting where each application is reviewed against the job profile. Shortlisted candidates are then invited to take part in a rigorous and robust assessment centre. Applicants are then formally interviewed by the Appointment Panel made up of elected members who have been trained in the recruitment process, which includes covering complying with legal requirements of equalities legislation and avoiding unlawful discrimination.

No negative impacts have been identified in relation to any of the protected characteristics.

10. Where will you publish the results of the Equality and Human Rights Impact Assessment? Tick which applies.

- Para 9 of EHRIA will be published in committee report in Section 6 "Impact"
- Full EHRIA will be attached to the committee report as an appendix
- Copied to Equalities Team to publish on the Council website

## **STEP 2: Outline the aims of the proposal**

11. What are the main aims of the proposal?

To establish an Appointments Panel to appoint to the role of Head of Planning and Sustainable Development

12. Who will benefit most from the proposal?

The Council who will appoint a competent and qualified person to undertake the duties of the role

13. You should assess the impact of your proposal on equality groups and tell us how implementing this proposal will impact on the needs of the public sector equality duty to: eliminate discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations.

Having a fair process followed by elected members trained in equality issues in relation to recruitment will eliminate, as far as is practicable, any unlawful discrimination, harassment and/or victimisation

**STEP 3: Gather and consider evidence**

15. What **evidence** is there to identify any potential positive or negative impacts in terms of involvement, consultation, research, officer knowledge and experience, equality monitoring data, user feedback and other? You must consider relevant evidence, including evidence from equality groups.

The Council has well established and agreed policies, procedures and processes for recruiting Chief Officials that when followed should eliminate as far as is practicably possible.

**STEP 4: Assess likely impacts on people with Protected Characteristics**

16. Which, if any, people with protected characteristics and others could be affected positively or negatively by this proposal? Place the symbol in the relevant box. Be aware of cross-cutting issues, such as older women with a disability experiencing poverty and isolation.

(Positive +, neutral 0, - negative)

Protected Characteristics					
Age - Younger Older	0	Disability	0	Gender Reassignment*	0
Marriage or Civil Partnership	0	Pregnancy and Maternity	0	Race**	0
Religion or Belief	0	Sex (gender)***	0	Sexual orientation****	0
Others e.g. poverty	0				

Notes:

\* Gender Reassignment includes Transsexual

\*\* Race includes Gypsy/Travellers

\*\*\* Sex (gender) i.e. men, women

\*\*\*\* Sexual orientation includes LGB: Lesbian, Gay and Bisexual

17. Please detail the potential positive and/or negative impacts on those with protected characteristics you have highlighted above.

In making the assessment you must consider relevant evidence, including evidence received from individuals and equality groups. Having considered all of these elements, you must take account of the results of such assessments. This requires you to consider taking action to address any issues identified, such as removing or mitigating any negative impacts, where possible, and exploiting any potential for positive impact. If any adverse impact amounts to **unlawful discrimination**, the policy must be amended to avert this. Detail the impacts and describe those affected.

Positive impacts (describe protected characteristics affected)	Negative Impacts (describe protected characteristics affected)
Not Applicable.	Not Applicable

**STEP 5: Human Rights - Apply the three key assessment tests for compliance assurance**

18. Does this proposal/policy/procedure have the potential to interfere with an individual’s rights as set out in the Human Rights Act 1998? State which rights might be affected by ticking the appropriate box(es) and saying how. **If you answer “no”, go straight to question 22. No.**

- Article 3 – Right not to be subjected to torture, inhumane or degrading treatment or punishment
- Article 6 – Right to a fair and public hearing
- Article 8 – Right to respect for private and family life, home and correspondence
- Article 10 – freedom of expression
- Other article not listed above

**How?**

**Legality**

19. Where there is a potential negative impact is there a legal basis in the relevant domestic law?

**Legitimate aim**

20. Is the aim of the policy identified in Steps 1 and 2 a legitimate aim being served in terms of the relevant equality legislation or the Human Rights Act?

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**Proportionality**

21. Is the impact of the policy proportionate to the legitimate aim being pursued? Is it the minimum necessary interference to achieve the legitimate aim?

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**STEP 6: Monitor and review**

22. How will you monitor the implementation of the proposal? (For example, customer satisfaction questionnaires)

The proposal will be monitored through listening to any feedback from applicants and stakeholders and reviewing this feedback.
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23. How will the results of this impact assessment and any further monitoring be used to develop the proposal?

The results of this impact assessment will be brought forward to any review of the policy, procedure or process relating to recruitment and selection.
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**STEP 7 SIGN OFF**

The final stage of the EHRIA is formally to sign off the document as being a complete, rigorous and robust assessment.

Person(s) completing the impact assessment.

Name	Date	Signature
Keith Tennant	23 Dec 2015	

Quality check: document has been checked by

Name	Date	Signature
Jeff Capstick	24 Dec 2015	

Head of Service (Sign-off)

Name	Date	Signature
Ewan Sutherland	24 Dec 2014	

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**Now –**

Please send an electronic copy of your completed EHRIA - without signatures - together with the proposal to:

Equalities Team  
Customer Service and Performance  
Corporate Governance  
Aberdeen City Council  
**Business Hub 13**  
Second Floor North  
Marischal College  
Broad Street  
Aberdeen  
AB10 1AB

Telephone 01224 523039 Email [sandrab@aberdeencity.gov.uk](mailto:sandrab@aberdeencity.gov.uk)