

ABERDEEN CITY COUNCIL

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:

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 shortlist 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

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