South East Wales Corporate Joint Committee

Cyd-bwyllgor corfforaethol De-Dwyrain Cymru

REPORT SUMMARY

ITEM 4: Chief Officer Appointments

Purpose

This report sets out recommendations in relation to:

- The appointment to the posts of Strategic Director Policy, Impact and Partnerships and Strategic Director, Legal and Governance;
- The appointment of Deputy Chief Officers, in respect of Deputy Monitoring and Deputy Section 151 Officers;
- The appointment by the Board of CCR Energy Ltd of a fixed-term Managing Director.

Summary

- To set out the process and outcome of the appointment process for the remaining Strategic Director roles which complete the Senior Executive Team.
    - These are that of Strategic Director Policy, Impact and Partnership Strategic Director, Legal and Governance. The recommendation of Appointment Panel is to appoint Colan Mehaffey and Jayne La Grua respectively.
- To seek endorsement of Deputy Chief Officers to provide appropriate support and resilience in respect of Deputy Monitoring Officer and Deputy s151 and designate Thomas Maguire and Hrjinder Singh with the titles.
- To note the appointment of Christian Cadwallader by CCR Energy Ltd to the position of Managing Director for 2 years + 1 year extension to align with the demolition and remediation process.

Recommendations

The Corporate Joint Committee is asked to:

(1) Appoint Colan Mehaffey to the post of CCR Strategic Director of Policy, Impact and Partnerships;

(2) Appoint Jayne La Grua to the post of CCR Strategic Director of Legal and Governance and Monitoring Officer;

(3) Approve Hrjinder Singh's appointment as Deputy S.151 Officer;

(4) Approve Thomas Maguire's appointment as Deputy Monitoring Officer;

(5) Note the decision of the Board of CCR Energy Ltd to appoint Christian Cadwallader to the post of Managing Director of the Company on a fixed term basis.

Contact Officer

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Report for:	ACTION
Contains Confidential or Exempt Information	NO

For Consideration By	Corporate Joint Committee
Report Title	Chief Officer Appointments
Report of	Kellie Beirne, Chief Executive Officer
Contact Details	Kellie.beirne@cardiffcapitalregion.gov.uk
Date to be Considered	26 July 2024
Implementation Date	26 July 2024
Affected Council Areas	All
Keywords / Index	Appointments; Chief Officers; Senior Executive Team; CCR Energy Ltd

Report Summary

1. This report is in three parts:

   1.1 Part 1 sets out the recommendations of the Appointments Sub-Committee to appoint to the two remaining vacant posts in the CCR Senior Executive Team, namely those of Strategic Director of Policy, Impact and Partnerships and Strategic Director of Legal and Governance;

   1.2 Part 2 seeks approval for the appointments of a Deputy Chief Finance Officer and Deputy Monitoring Officer; and

   1.3 Part 3 invites the Committee to note the decision of the Board of CCR Energy Ltd to appoint to the post of Managing Director (fixed term).

Recommendations

2. The South East Wales Corporate Joint Committee is asked to:

   2.1 Appoint Colan Mehaffey to the post of CCR Strategic Director of Policy, Impact and Partnerships;

   2.2 Appoint Jayne La Grua to the post of CCR Strategic Director of Legal and Governance and Monitoring Officer;

2.3 Approve Hrjinder Singh's appointment as Deputy S.151 Officer;

2.4 Approve Thomas Maguire's appointment as Deputy Monitoring Officer;

2.5 Note the decision of the Board of CCR Energy Ltd to appoint Christian Cadwallader to the post of Managing Director of the Company on a fixed term basis.

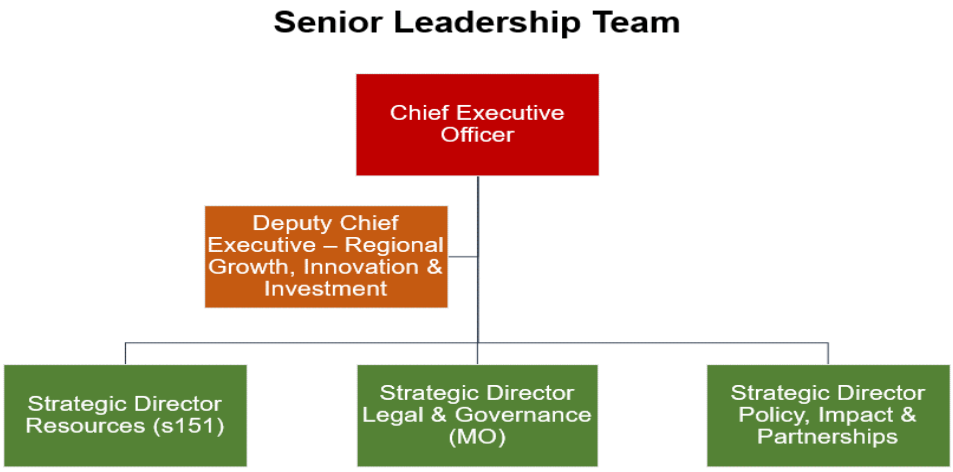
Reasons for Recommendations

Chief Officer Appointments

3. At a meeting on 31 January 2022, and whilst the CJC was operating at 'bare minimum', the Corporate Joint Committee made interim appointments to the posts of Chief Executive Officer, Chief Finance Officer and Monitoring Officer in order to comply with statutory requirements. The interim appointees were the then CCR City Deal Programme Director, Kellie Beirne, Cardiff Council's Director of Resources, Christopher Lee, and Cardiff Council's Deputy Monitoring Officer, James Williams, respectively.

4. On 22 May 2023, the Corporate Joint Committee approved the transition of the Interim Chief Executive, Kellie Beirne, to the permanent post of Chief Executive in accordance with the provisions of the Transfer of Undertakings (Protection of Employment) Regulations 2006, which transfer formally took effect on 1 April 2024.

5. On 4 December 2023, in anticipation of the Corporate Joint Committee becoming fully operational on 1 April 2024, the Committee agreed the remaining structure of the permanent senior staff leadership team, as set out below:



6. On 29 January 2024, the CJC approved arrangements for the establishment of an Appointments Sub-Committee to consider any applications for appointment to posts in the CJC's Senior Executive Team, shortlist and

interview candidates, and make recommendations to the Corporate Joint Committee.

7. Recruitment was carried out in two phases; with the first phase of recruitment resulting in the appointment, on 7 May 2024, of Rhys Thomas to the post of Deputy Chief Executive and Strategic Director of Regional Growth, Innovation and Investment and to the appointment of Liam Hull to the post of Strategic Director of Resources and Section 151 Officer. Rhys took up post immediately and Liam took up post on 15 July 2024.

8. The second phase of senior staff leadership team recruitment has since been carried out in respect of the posts of Strategic Director of Policy, Impact and Partnerships and Strategic Director of Legal and Governance and Monitoring Officer.

9. Following shortlisting by the Appointments Sub-Committee, four candidates for the post of Strategic Director of Policy, Impact and Partnerships and one candidate for the post of Strategic Director of Legal and Governance and Monitoring Officer were invited to progress to the Assessment Centre stage of the process.

10. On 11 and 12 June 2024, Assessment Centres were held for both posts. These involved:

- Presentations to, and Interviews by, a Panel comprised of the CCR Chief Executive and Deputy Chief Executive, a representative of the Regional Chief Executives' Group, an HR representative and Mandy Pigny of Psychonnaissance;
- Psychometric tests and profiles;
- Stakeholder Panel, written test and crisis communications – Strategic Director of Policy, Impact and Partnerships; and
- Written test, legal scenario and question and answers – Strategic Director of Legal and Governance and Monitoring Officer.

11. Following assessment, two candidates for the post of Strategic Director of Policy, Impact and Partnerships and the sole candidate for the post of Strategic Director of Legal and Governance and Monitoring Officer scored sufficiently to proceed to final interview by the Appointments Sub-Committee.

12. The Appointments Sub-Committee, comprising of Cllr Huw Thomas, Cllr Anthony Hunt and Cllr John Morgan (as nominated substitute for Cllr Stephen Thomas), held final interviews with the candidates on 11 July 2024, following which it was resolved that:

- Colan Mehaffey be recommended for appointment to the post of Strategic Director of Policy, Impact and Partnerships; and

- Jayne La Grua be recommended for appointment to the post of Strategic Director of Legal and Governance and Monitoring Officer.

Deputy Chief Finance Officer and Deputy Monitoring Officer

13. Part 3C of the Corporate Joint Committee's Constitution delegates authority to the Strategic Director of Resources to nominate an Officer as Deputy Chief Finance Officer, and to the Strategic Director of Legal and Governance to appoint one or more Deputy Monitoring Officer(s).

14. The Corporate Joint Committee is asked to approve the Strategic Director of Resources' nomination of Hrjinder Singh as Deputy Chief Finance Officer. Hrjinder is the CJC's Head of Finance, Risk and Assurance. He has held the post of Interim Deputy S.151 Officer since 29 January 2024 and acted as the CJC's Interim S.151 Officer between 3 June 2024 and 15 July 2024, when the Strategic Director of Resources took up the permanent position.

15. Should the appointment of a Strategic Director of Legal and Governance be approved, the Corporate Joint Committee is also asked to approve incoming Director's nomination of Thomas Maguire as Deputy Monitoring Officer. Thomas is a Senior Solicitor (Contracts and Procurement) who was engaged by the CJC on 22 January 2024 and who has acted as Interim Deputy Monitoring Officer since 4 March 2024.

CCR Energy Ltd: Appointment of Managing Director

16. Following discussions with the Board of CCR Energy Ltd in June 2024, it was agreed that steps should be taken to provide stability around the leadership of the Company. In particular, to provide certainty around the critical post of Managing Director. To date, these services have been provided on a contractor basis by Christian Cadwallader. However, as the business plan for the Company becomes more complex and embedded, there is a clear need to provide certainty to the role and to clarify medium-term arrangements and synchronise these with the demolition and remediation process. As the role currently undertaken is beginning to become more fully integrated into the business, it is appropriate to revisit the arrangements at a critical time for the Company.

17. The Board of CCR Energy Ltd wish to retain the Interim Managing Director on a fixed-term basis on account of him being highly valued and deemed to date to have demonstrated the requisite skills and aptitudes required by the Company at this stage in its evolution. The Board has approved to create a fixed term post of Managing Director for a 2-year period, with the option to extend this by 1 year, to fully align with the demolition and remediation period.

18. A Job Description has been approved by the Board and has been subject to independent Job Evaluation which has graded it at a salary of £112,352. Further external employment law advice was taken in respect of employment status and rights, CCR Energy's Governance Policy and the respective roles of CCR and CCR Energy Ltd in the appointment process. The advice has confirmed that the process proposed and subsequently undertaken is in line with CCR Energy Ltd's Governance Policy and is a matter for decision by the CCR Energy Board.

19. Christian Cadwallader was interviewed by members of the CCR Energy Board, comprising the Chair, CCR Shareholder Representative and two Non-Executive Directors, on 12 July 2024 and there was unanimous agreement to appoint Christian to the fixed-term post of Managing Director. The information is set out in this way, to ensure the outcome is noted by the Corporate Joint Committee and recorded as part of a public report.

Corporate Policies and Priorities

20. The processes set out in this report have been conducted with regard to Corporate HR and Finance policies and procedures and in line with the Terms of Reference of the Appointments Sub-Committee and Scheme of Delegation to Officers.

Financial Implications

21. The posts of Strategic Director of Policy, Impact and Partnerships and Strategic Director of Legal and Governance have been fully costed and included in the South East Wales Corporate Joint Committee's approved 2024/25 Revenue Budget. The budget report sets out in detail the proposed Senior Executive Team arrangements and costs, along with details (and costs) of the interim arrangements that would operate until the postholders commenced their duties.

22. The designations as Deputy Chief Finance Officer and Deputy Monitoring Officer do not attract additional remuneration over and above the postholders' base salaries.

23. The CJC is asked to note the appointment of the CCR Energy Ltd Managing Director, with all associated costs being the responsibility of the Company, which is wholly owned by the CJC.

Legal Implications

Staffing: General

24. Part 2 of the Schedule to the South East Wales Corporate Joint Committee Regulations 2021 requires the CJC to make such arrangements for staffing as are necessary for the proper discharge of its functions. Where the CJC appoints staff, they are to be appointed on terms and conditions (including as to remuneration) substantially similar to those of officers within a constituent council undertaking responsibilities which the CJC considers to be reasonably comparable.

25. Regulation 3 of the Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021 requires the Chief Executive of the CJC to keep under review and, where she considers appropriate to do so, make a report to the CJC setting out her proposals in respect of the CJC's staffing arrangements, and the CJC must provide its Chief Executive with such staff as are, in the Chief Executive's opinion, sufficient to allow the Chief Executive to carry out her duties.

26. Section 8 of the Local Government and Housing Act 1989 requires the CJC to adopt standing orders with respect to staff; and such standing orders were adopted as part of the CJC's Constitution at a meeting of the Committee on 18 March 2024.

Appointment of Chief Officers

27. Both of the Strategic Director posts subject of this report are Chief Officer posts within the meaning of section 43 of the Localism Act 2011 and politically restricted posts within the meaning of section 2 of the Local Government and Housing Act 1989. The Monitoring Officer is a statutory chief officer post, and the Strategic Director of Policy, Impact and Partnerships is a non-statutory chief officer post by reason of the fact that it reports directly to the Chief Executive.

28. The appointment of Chief Officers is a matter reserved to the Corporate Joint Committee (Part 3A of the CJC's Constitution) to be exercised in accordance with the CJC's Employment Procedure Rules (Part 4F of the CJC's Constitution).

Designation of Statutory Officers

29. Pursuant to Part 2, Article 10 of the CJC's Constitution, the Strategic Director of Legal and Governance is to hold the designation of Monitoring Officer under section 5(1) of the Local Government and Housing Act 1989. The Monitoring Officer has statutory responsibility for ensuring lawfulness and fairness in the operation of the CJC's decision-making process. They are responsible for the maintenance and interpretation of the CJCs constitution, promoting and maintaining high standards of conduct and are the 'proper officer' for the purposes of publication of decisions and access to information.

Appointment of Deputy Statutory Officers

30. Section 151 of the Local Government Act 1972 places a duty on the CJC to appoint a suitably qualified officer responsible for the proper administration of its financial affairs; and paragraph 11 of Part 3C of the CJC's Constitution delegates authority to the Director of Resources to nominate an Officer as Deputy Chief Finance Officer if the Director is unable to act owing to absence or illness.

31. Section 5 of the Local Government and Housing Act 1989 places a duty on the CJC to designate one of its officers, to be known as "the Monitoring Officer", whose duty it is to report to the CJC if at any time it appears to him that any proposal, decision or omission by the CJC, any of its sub-committees, any person holding any office or employment under the CJC, or any joint committee on which the CJC is represented, constitutes, has given rise to, or is likely to give rise to a contravention of any enactment or rule of law, any code of practice made or approved by or under any enactment, or any matter which the Public Services Ombudsman for Wales would be entitled to investigate.

32. Subsection 5(7) provides that the duties of the monitoring officer are to be performed by him personally or, where he is unable to act owing to absence or illness, personally by such member of his staff as he has nominated as his deputy. Accordingly, paragraph 12 of Part 3C of the CJC's Constitution delegates authority to the Director of Legal and Governance to nominate one or more Deputy Monitoring Officer(s).

33. As both the Deputy Chief Finance Officer and the Deputy Monitoring Officer are posts which report directly to statutory Chief Officers, they are Deputy Chief Officer posts within the meaning of Section 2(8) of the Local Government and Housing Act 1989. Accordingly, appointments to these posts are subject to approval by the Corporate Joint Committee in accordance with paragraph 4 of the CJC's Employment Procedure Rules.

Staffing Implications

34. The staffing implications associated with this report are self-evident and relate to the final appointments needed to complete the senior Executive Team for SEWCJC, inclusive of the need for statutory officers: Chief Executive, Section 151 and Monitoring Officer, and to note the action taken by CCR Energy Ltd in respect of the appointment of a Managing Director (fixed-term).

Equality, Human Rights and Community Cohesion

35. There are no implications directly associated with this report, save to say, the process is undertaken in line with objectives of CCR's HR policies and procedures.

Sustainability and Climate Considerations

36. There are no implications directly associated with this report.

Risk Management

37. The appointment of an able and committed Senior Executive Team is required to:

- ensure the requisite senior leadership capacity is in place to lead, develop and deliver on the CJC agenda;
- ensure capacity is in place in respect of statutory officer positions: Chief Executive Officer, s151 Officer and Monitoring Officer;
- safeguard the reputational interests of CCR by promoting high standards and ensuring openness, probity and accountability.

Consultation

38. The Senior Executive Team structure for CCR was approved at the meeting of the SEWCJC on 4 December 2023.

Welsh Language Implications

39. Due regard has been had to Welsh Language implications.

Well-being of Future Generations

40. In developing the Recommendations of this report, regard has been had to the well-being duty arising under the to the Well-Being of Future Generations (Wales) Act 2015 ('the Act').

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22 July 2024

Appendices
None

Background Papers
Interim Executive Staffing Arrangements, 31 January 2022
Update on the Transition to the CJC from a Workforce Perspective, 22 May 2023
Appointment of Interim Monitoring Officer, 9 October 2023
Appointment of Interim Section 151 Officer, 29 January 2024
Ratification of Appointment of Senior Executive Posts, 7 May 2024
Appointment of Interim Section 151 Officer, 3 June 2024