

COUNCIL:

25th February 2016

REPORT OF THE CHIEF EXECUTIVE

APPOINTMENT OF DIRECTOR OF GOVERNANCE AND LEGAL SERVICES & INTERIM MONITORING OFFICER

Reason for this Report

1. To report a vacancy in the post of Director of Governance and Legal Services, the Council's designated Monitoring Officer, subsequent to the resignation of the current post-holder; and to put in place arrangements to ensure the Council has adequate senior management resources to discharge its functions effectively.

Background

2. The Director of Governance and Legal Services, who is also the Council's Monitoring Officer, has tendered her resignation and the Council therefore needs to consider its arrangements for discharging the various responsibilities of this post.

Issues

3. Under the Council's Employment Procedure Rules (Rule 2), a vacancy in a 'Chief Officer' post must be reported to Council to consider whether the post should be filled. The Director of Governance and Legal Services falls within the definition of a 'Chief Officer' for these purposes.
4. If a Chief Officer post is to be filled, the Council (or a body with delegated authority to do so), must determine the terms and conditions of employment and method of appointment; and if the proposed remuneration for a post is £100,000 per annum or more, the Council is legally obliged to arrange for:
 - i. A statement of duties and required qualifications and qualities to be prepared and sent to any applicant upon request;
 - ii. Public advertisement of the post (unless the appointment is for 12 months or less); and
 - iii. Interview (with or without shortlisting) of suitably qualified candidates. (Employment Procedure Rules, Rule 2(b))

5. By law, full Council must determine the level of remuneration to be paid to a Chief Officer (pursuant to the Local Authorities (Standing Orders)(Wales) Regulations 2006, Regulation 7(2)(b), as reflected in the Employment Procedure Rules, Rule 2A). Further, the Local Government (Wales) Act 2015 introduces a new legal obligation on the Council (in effect from 25 January 2016) to consult the Independent Remuneration Panel for Wales if it proposes to change the salary of a Chief Officer (whether the change is an increase or decrease), unless the change is in keeping with changes applied to other officers of the Council.
6. Other than the decision on remuneration of the post, which is reserved to full Council, the Council may arrange for any or all of the other steps in the recruitment process, as listed in paragraph 4 above to be taken by a Committee or Chief Officer of the Council, but the appointment must be made by a Committee (pursuant to the Local Authorities (Standing Orders) (Wales) Regulations 2006, Regulation 3 and Schedule 1, Part 2, paragraph 1).
7. Under its approved terms of reference, the Employment Conditions Committee (ECC) has previously, during the Senior Management Review undertaken in 2014/15, considered and agreed the statement of duties and terms and conditions for the post of Director of Governance and Legal Services. Full Council subsequently approved a spot salary for Directors, including this post, of £120,000 per annum, based on the advice of the Hay Group and the ECC recommendation (at the Council meeting in February 2015).
8. The appointment of Chief Officers, in accordance with the agreed terms and conditions applicable to the post, is within the approved terms of reference of the Appointments Committee; and that Committee may also designate an officer of the authority as the Council's Monitoring Officer (Scheme of Delegations, Annex 1).
9. The Council has a statutory duty to designate one of its officers as the Monitoring Officer (pursuant to section 5 of the Local Government and Housing Act 1989) and must provide its Monitoring Officer with sufficient staff, accommodation and other resources to allow the duties of this role to be performed. The Monitoring Officer has a number of prescribed statutory roles, primarily, to ensure the lawfulness and fairness of the Council's decision making.
10. The Council is recommended to agree a recruitment and selection exercise to appoint a new Director of Governance and Legal Services, to be the Council's designated Monitoring Officer and fulfil all statutory responsibilities of that role, as well as the other managerial responsibilities of the post under the Senior Management Structure approved by Cabinet in February 2015; and to agree no changes to the statement of duties, terms and conditions and remuneration for the post determined by ECC and Council in February 2015.

11. As the current Monitoring Officer will be leaving the Council before the new appointee is in post, the Council will need to designate an Interim Monitoring Officer to discharge this statutory role during the intervening period (for approximately 6 months). The person recommended for interim appointment is David Marr, on the basis that he has the relevant skills, knowledge and experience to ensure the Council is able to continue to discharge its statutory duties effectively.

Legal Implications

12. The relevant legal provisions are set out in the body of the report.

Financial Implications

13. Within the Directorate budget there is an amount allocated which is commensurate with the cost of the post titled Director of Legal and Governance Services. Therefore, there is sufficient funding available for both the permanent and the temporary filling of this post. The temporary post will end on the day the permanent post holder commences in post. All associated costs with the recruitment will need to be found from within the budgetary allocation of the directorate

RECOMMENDATIONS

That the Council

1. notes the forthcoming vacancy of the post of Director of Governance and Legal Services, and approves a recruitment and selection exercise to fill the post;
2. agrees no changes to the statement of duties, terms and conditions, including remuneration for the post, as previously determined by ECC and Council in February 2015;
3. delegates authority to the Corporate Director, Resources, to put in place appropriate arrangements for public advertisement of the post;
4. notes that an Appointments Committee will be convened to make a suitable appointment under its approved terms of reference; and
5. designates David Marr as Interim Monitoring Officer from 1 March 2016 and until the date that the new appointee commences employment.

Paul Orders

Chief Executive

16 February 2016

Background Papers:

Report to Council, 'Senior Management Review', 26 February 2015

Report to Employment Conditions Committee, 'Senior Management Review', 25 February 2015

Report to Cabinet, 'Senior Management Review', 19 February 2015