

REPORT TO:	APPOINTMENTS COMMITTEE 20 March 2017
AGENDA ITEM:	5
SUBJECT:	APPOINTMENT TO DIRECTOR OF LAW AND MONITORING OFFICER
LEAD OFFICER:	Executive Director of Resources
CABINET MEMBER:	Leader, Councillor Tony Newman
WARDS:	All
CORPORATE PRIORITY/POLICY CONTEXT: The Council's management structure	
FINANCIAL SUMMARY: The salary cost of this post is contained within the 2017/18 budget.	
KEY DECISION REFERENCE NO: n/a	

1. RECOMMENDATIONS

- 1.1 Undertake the selection for and agree an appointment to the post of Director of Law and Monitoring Officer from the candidate(s) detailed in the Part B appendices to the agenda. Any appointment to be subject to the appointment notification process as set out in section 3.4 of part 4J of the Council's Constitution (Staff Employment Procedure Rules).

2. EXECUTIVE SUMMARY

- 2.1. This report seeks the Committee's approval to undertake the selection for the post of Director of Law and Monitoring Officer.

3. DETAIL

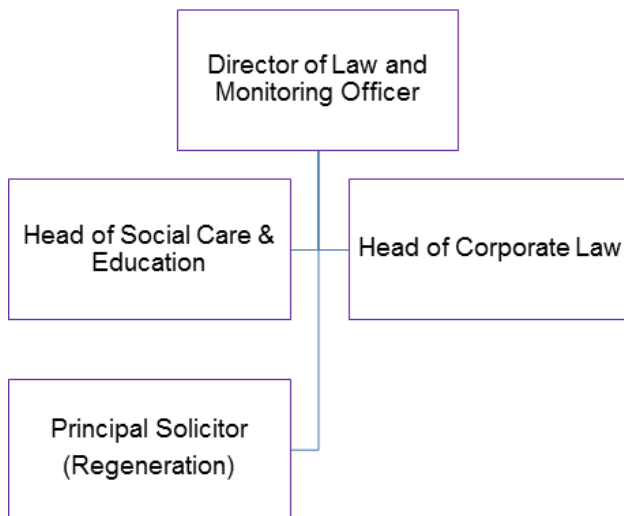
- 3.1. The Director of Law and Monitoring Officer is a statutory Chief Officer under the terms of the Local Government and Housing Act 1989. Paragraph 3.3 of part 4J of the Council's Constitution (Staff Employment Procedure Rules) provides for the appointment of a Chief Officer to be carried out by the Appointments Committee, unless delegated by that Committee to the Head of Paid Service. There is no delegation in place for the appointment of the Director of Law and Monitoring Officer and the Appointments Committee's responsibility to undertake the appointment is engaged.

- 3.2. An offer of appointment as a Chief Officer or Deputy Chief Officer is subject to the notification process as set out in section 3.4 of part 4J of the Council's Constitution (Staff Employment Procedure Rules), to be carried out before an offer of appointment is made.

Background

- 3.3. Following the appointment of the Chief Executive and Head of Paid Services on a substantive basis with effect from 19 July 2016, an amended the tier 1 structure was implemented, resulting in:
- Creation of a new Executive Director of Resources post (which the Appointments Committee appointed to on 06 September 2016).
 - Deletion of the Assistant Chief Executive (Corporate Resources) post
 - Amendment of responsibilities and retitling to the post of Assistant Chief Executive (Customer and Transformation) post
 - Slight amendments to the responsibilities of the Chief Executive (so there is no direct line management responsibility for Resources Department functions)
 - Amend the line management of: (a) Director of Customer and Transformation (retitled) (b) Director of Strategy, Commissioning and Communities (c) Director of Human Resources (d) Director of Public Health (see below)
- 3.4. In November 2016, consultation took place with affected postholders over a further re-alignment of responsibilities at a senior management level. This included responsibility for democratic, elections and civic services moving to the Director of Governance and responsibility for the Leader and Mayors Office moving to the Director of Strategy and Partnerships. These changes, allow for legal services to become its own division, and be better placed to focus on major changes to the operating model, aimed to bringing more work back in house and reducing costs. The division is to be headed by the newly established Director of Law and Monitoring Officer.
- 3.5. Interim arrangements have been in place to cover the statutory duties of Monitoring Officer since March 2016. Both the Head of Social Care and Education Law and the Head of Corporate Law have undertaken these responsibilities since then, in addition to the duties of their substantive posts. The interim arrangements will cease as soon as the Director of Law and Monitoring Officer is in post.
- 3.6. A review of the senior management structure within legal services is necessary to support the creation of the new division. Although the detail will not be determined until after the Director of Law and Monitoring Officer is in post, the heads of service roles are unlikely to exist in their current format, potentially placing the individuals at risk of redundancy. A job matching exercise has concluded that both head of service posts are a 50-80% job match to the Director of Law and Monitoring Officer post and a ring-fenced internal selection process is being carried out with a view to mitigating any potential redundancies. The Head of Corporate Law has recently left the Council's employment and the Head of Social Care and Education Law is being considered for the post on a ring fenced basis.

Structure chart



Localism Act 2011 and Pay Policy

- 3.7. As established in the Council's pay policy, agreed by a meeting of the Council on 28 February 2017, chief officers (tier 1 posts) are appointed on fixed pay points, which are subject to local review every two years. The pay policy for 2017/18 agreed by the Council has determined the fixed pay point for the Director of Law and Monitoring Officer is £95,000 and it is proposed to appoint at this level. Salary data from the London Council's pay survey 2016 indicates that this salary is appropriate to attract the calibre of candidates for this role within the context of the borough's opportunities and challenges.
- 3.8. Following the decision of the Annual Council meeting on 03 June 2014, the Appointments Committee has delegated responsibility for approving appointments in accordance with the threshold specified in statutory guidance issued by the Secretary of State under section 40 of the Localism Act 2011. The statutory guidance is that elected Members should be given an opportunity to vote before: salary packages upon appointment at or above a specified threshold are offered; and severance packages at or beyond a specified threshold are approved for staff leaving the Council's employment. For both these purposes, the specified threshold is currently £100,000 as set by Government.
- 3.9. As it is proposed to appoint the Director of Law and Monitoring Officer on a salary package lower than the specified threshold, the Committee's delegated responsibilities are not engaged and there is no need for the Committee to agree the salary.

4 FINANCIAL AND RISK CONSIDERATIONS

4.1 Revenue and Capital consequences of report recommendations

	Current year	Future Years		
	2016/17	2017/18	2018/19	2019/20
	£'000	£'000	£'000	£'000
Revenue Budget available	0	96.9	96.9	96.9
Effect of decision	0	96.9	96.9	96.9
Overspend / (underspend)	0	0	0	0

4.2 The effect of the decision

This is an established post and the budget identified in section 4.1 above has been aligned to the anticipated start date of the successful candidate. The appointment is expected to be effective until 01 April 2017 and the salary costs arising from this decision can be met from the 2017/18 budget.

4.3 Risks

There is a risk of being unable to retain the right calibre of person to this role if the salary is not comparable to the market.

4.4 Options

The alternative option of not filling the role; and for not making provision to within the parameters of the Council's agreed Pay Policy Statement is not considered sustainable or viable option as explained in paragraph 4.3 above.

4.5 Future savings/efficiencies

None identified.

Approved by: Lisa Taylor, Director of Finance, Investment and Risk

5 LEGAL CONSIDERATIONS

5.1 The Council may appoint such staff as it considers necessary for the proper discharge of its functions on such reasonable terms and conditions, including remuneration, as the Council thinks fit.

5.2 The Council's Staff Employment Procedure Rules at Part 4.J of the Constitution provide for a notification process to ensure that the Leader and any other Cabinet Members have no objections to the offer of appointment occurs before an offer of appointment is made to him/her.

Approved by: Sean Murphy, Principal Corporate Solicitor (Regeneration)

6 CUSTOMER, EQUALITIES, HUMAN RIGHTS, FREEDOM OF INFORMATION, DATA PROTECTION CRIME AND DISORDER IMPACT

6.1 There are no direct considerations arising from this report.

CONTACT OFFICER: Tricia Palmer, Director of Human Resources

BACKGROUND DOCUMENTS: Job description