

Staffing Committee

Date of Meeting: 25 April 2019

Report Title: Interim Appointment of Director of Governance and Compliance (incorporating the Statutory Monitoring Officer role)

Senior Officer: Sara Barker, Head of HR

1. Report Summary

- 1.1 In ordinary circumstances the Constitution requires that Staffing Committee undertake the recruitment and selection processes in respect of the Statutory Officers: S151 Officer, Monitoring Officer and Head of Paid Service, and makes a recommendation to full Council which confirms (or not) Staffing Committee's recommended appointment.
- 1.2 A requirement to introduce immediate interim arrangements for the role of Director of Governance and Compliance (incorporating the Statutory Monitoring Officer role) has recently arisen. For this reason, urgency procedures were applied.
- 1.3 In accordance with the urgency procedures, the Acting Chief Executive has taken the decision in relation to the interim appointment for the role in consultation with the Cabinet members, the Chairman and Vice Chairman of the Staffing Committee, the Mayor and the Council's Political Group Leaders. In addition legal advice and the advice of the S151 Officer was taken.
- 1.4 In line with constitutional requirements the decision is reported for information to Staffing Committee, by the Chairman. In addition the whole of the Council were notified.

2. Recommendations

- 2.1. That the urgent decision be noted as outlined in Section 3 and 4 of this report.

2.2. That the decision noted by Staffing Committee, be reported to Council on 22nd May 2019.

3. Reasons for Recommendation/s

3.1 The Need for Urgency Procedures

The need to use urgency procedures arose as a consequence of a number of factors. The following is a non-exhaustive summary:

- The recently agreed new Corporate Services structure came into effect on 1 April 2019 and included a new post of Director of Governance and Compliance.
- The range of responsibilities of this post is wide and differs from that of the previous Director of Legal Services role; in any event the acting up arrangements which had been in place ended on 31 March 2019.
- Whilst the current range of responsibilities of the previous Director role included Legal and Democratic Services, the new role also includes Internal Audit. The postholder must also have significant experience in this area of work.
- The Director of Governance and Compliance is also the Monitoring Officer and therefore the appointment would normally be made by Council. As the next Council meeting does not take place until 22 May, there would have been an unacceptable risk to the Council in being without a Monitoring Officer for the period between 1 April and 22 May 2019. There could also have been serious reputational damage to the Council.

3.2 The Selection Process

With the help of recruitment agents, the Acting Chief Executive was provided with a list of suitable candidates, which she carefully considered. Having done so, she has determined that “the appointee” should be appointed to the role to cover the period until a permanent appointment is made to the post of Director of Governance and Compliance.

3.3 The Interim Appointment

The appointee has sufficient skills and experience to cover the post of Director of Governance and Compliance until a further appointment can be made.

The daily rate is £995 plus a 16% management fee to the agency.

4. Other Options Considered

- 4.1. There was no realistic alternative to the course of action proposed for the reasons stated in 3.1.

5. Background

- 5.1. There has been an acting up arrangement in place to the post of Director of Legal Services since April 2017 due to the absence and subsequent resignation of the substantive post-holder. This acting up arrangement which had been in place ended on 31 March 2019
- 5.2. Following formal consultation, a new Corporate Services management structure came into effect on 1 April 2019. In this structure, the post of Director of Legal Services ceased to exist.
- 5.3. There is a new post Director of Governance and Compliance with a broader and different range of responsibilities including Internal Audit. The postholder must also have significant experience in this area of work.
- 5.4. As the Director of Governance and Compliance is also the Monitoring Officer, the appointment would normally be made by Council. Emergency powers have been used because of the unacceptable risk to the Council in being without a Monitoring Officer for the period from 1 April to the date of the next Council meeting on 22 May 2019.

6. Implications of the Recommendations

6.1. Legal Implications

This is a statutory post. The legal implications for the council are minimised by the appointment of an interim post-holder until the post can be permanently appointed to.

6.2. Finance Implications

The daily rate for the post is more than that for a permanent appointment. However, it is short-term and the cost will be offset against the salary already budgeted for the post until an appointment is made, and managed within the approved budget for Governance and Compliance.

6.3. Policy Implications

There are no policy implications

6.4. Equality Implications

There are no equality implications.

6.5. Human Resources Implications

This is an interim role which will cease on the permanent appointment is made.

6.6. Risk Management Implications

There would be an unacceptable risk to the Council in being without a Monitoring Officer for the period between 1 April and 22 May 2019. There could also have been serious reputational damage to the Council.

6.7. Rural Communities Implications

There are no direct implications for rural communities.

6.8. Implications for Children & Young People/Cared for Children

There are no direct implications for children and young people.

6.9. Public Health Implications

There are no direct implications for public health.

7. Ward Members Affected

None

8. Access to Information

The background papers relating to this report can be inspected by contacting the report writer

9. Contact Information

Any questions relating to this report should be directed to the following officer:

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