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Northumberland County Council

Your ref:

Our ref:

Enquiries to: Karon Hadfield

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Date: Wednesday, 1 March 2023

Dear Sir or Madam,

Your attendance is requested at a meeting of the **STAFF AND APPOINTMENTS COMMITTEE** to be held in **COUNCIL CHAMBER - COUNTY HALL** on **THURSDAY, 9 MARCH 2023** at **2.00 PM**.

Yours faithfully

Dr Helen Paterson
Chief Executive

To Staff and Appointments Committee members as follows:-

G Sanderson (Chair), R Wearmouth (Vice-Chair), A Dale, S Dickinson, B Flux, I Hunter, M Purvis, E Simpson and J Watson

H. Paterson, S. Binjal, J. Willis, S. Farrell, C. Sample, S. Crosland



Dr Helen Paterson, Chief Executive
County Hall, Morpeth, Northumberland, NE61 2EF
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AGENDA

PART I

It is expected that the matters included in this part of the agenda will be dealt with in public.

1. APOLOGIES FOR ABSENCE

2. MINUTES

(Pages 1
- 6)

Minutes of the meeting of the Committee held on Monday 20th February 2023, as circulated, to be confirmed as a true record and signed by the Chair.

3. DISCLOSURE OF MEMBERS' INTERESTS

Unless already entered in the Council's Register of Members' interests, members are required where a matter arises at a meeting;

- a) Which **directly relates to** Disclosable Pecuniary Interest ('DPI') as set out in Appendix B, Table 1 of the Code of Conduct, to disclose the interest, not participate in any discussion or vote and not to remain in room. Where members have a DPI or if the matter concerns an executive function and is being considered by a Cabinet Member with a DPI they must notify the Monitoring Officer and arrange for somebody else to deal with the matter.
- b) Which **directly relates to** the financial interest or well being of a Other Registrable Interest as set out in Appendix B, Table 2 of the Code of Conduct to disclose the interest and only speak on the matter if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain the room.
- c) Which **directly relates to** their financial interest or well-being (and is not DPI) or the financial well being of a relative or close associate, to declare the interest and members may only speak on the matter if members of the public are also allowed to speak. Otherwise, the member must not take part in discussion or vote on the matter and must leave the room.
- d) Which **affects** the financial well-being of the member, a relative or close associate or a body included under the Other Registrable Interests column in Table 2, to disclose the interest and apply the test set out at paragraph 9 of Appendix B before deciding whether they may remain in the meeting.
- e) Where Members have or a Cabinet Member has an Other Registerable Interest or Non Registerable Interest in a matter being considered in

exercise of their executive function, they must notify the Monitoring Officer and arrange for somebody else to deal with it.

NB Any member needing clarification must contact monitoringofficer@northumberland.gov.uk. Members are referred to the Code of Conduct which contains the matters above in full. Please refer to the guidance on disclosures at the rear of this agenda letter.

4. REPORT OF THE CHIEF EXECUTIVE AND HEAD OF PAID SERVICE (Pages 7 - 12)
PREFERRED CANDIDATE APPOINTMENT - Director of Workforce and Organisational Development

The purpose of this report is to confirm and set out to the Staff and Appointments Committee the outcome of the selection process for the Director of Workforce and Organisational Development and to seek approval for the appointment of the preferred candidate. Attached to this report is a confidential (part 2) exempt Appendix 1, setting out the details of the preferred candidate.

The Committee will recall at its meeting on 20 December 2022, that arrangements for the permanent recruitment to this role was agreed.

This report also reminds the Committee of the requirements under the Officer Employment Procedure Rules in relation to the appointment (or dismissal) of all Chief and Deputy Chief Officers. Accordingly, please note that all the appointments referred to in this report are subject to no substantial and well-founded objections being notified to the Leader of the Council, in accordance with Part 4.3 of the Constitution (Officer Employment Procedure Rules). Appendix 1 to be considered under agenda item 8 in Part 2 of this agenda. **(Appendix A)**.

5. REPORT OF THE CHIEF EXECUTIVE AND HEAD OF PAID SERVICE (Pages 13 - 18)
PREFERRED CANDIDATE APPOINTMENT - Director of Corporate Law and Governance and Monitoring Officer.

The purpose of this report is to confirm and set out to the Staff and Appointments Committee (StAC) the outcome of the selection process for the Director of Corporate Law and Governance and Monitoring Officer and to seek approval for the appointment of the preferred candidate. Attached to this report is a confidential (part 2) exempt Appendix 1, setting out the details of the preferred candidate.

Section 5 of the Local Government & Housing Act 1989 requires the Council to designate one of its Officers as Monitoring Officer.

The Committee will recall at its meeting on 30th January 2023, a candidate was offered this position following the wider process for the selection and appointment of all Executive Directors and the Director of Law and Governance roles. However, this latter offer was subsequently declined.

This report also reminds the Committee of the requirements under the Officer Employment Procedure Rules in relation to the appointment (or dismissal) of all Chief and Deputy Chief Officers. Accordingly, please note that the appointment referred to in this report will be subject to no substantial and well-founded objections being notified to the Leader of the Council, in accordance with Part 4.3 of the Constitution (Officer Employment Procedure Rules).

Appendix 1 to be considered under agenda item 9 in Part 2 of this agenda. **(Appendix B).**

6. URGENT BUSINESS (IF ANY)

To consider such other urgent business as, in the opinion of the Chair, should, by reason of special circumstances, be considered as a matter of urgency.

PART II

It is expected that matters included in this part of the Agenda will be dealt with in private. Reports referred to are enclosed for members and officers only, coloured pink and marked "Not for Publication".

7. EXCLUSION OF PRESS AND PUBLIC

The Committee is invited to consider passing the following resolution:

- (a) That under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following item on the Agenda as it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A of the 1972 Act, and
- (b) That the public interest in maintaining the exemption outweighs the public interest in disclosure for the following reasons:-

Agenda Items	Paragraph of Part I of Schedule 12A
8 and 9	1 and 2 Information relating to any individual and information which is likely to reveal the identity of an individual
AND	The public interest in maintaining the exemption outweighs the interest in disclosure because disclosure would adversely affect the Authority's interests.

8. REPORT OF THE CHIEF EXECUTIVE AND HEAD OF PAID SERVICE

PREFERRED CANDIDATE APPOINTMENT - Director of Workforce and Organisational Development

To consider the attached Appendix 1 under Agenda item 4 in Part 1 of this agenda.

9. REPORT OF THE CHIEF EXECUTIVE AND HEAD OF PAID SERVICE

(Pages
19 - 22)

PREFERRED CANDIDATE APPOINTMENT - Director of Corporate Law and Governance and Monitoring Officer.

To consider the attached Appendix 1 under Agenda item 5 in Part 1 of this agenda

IF YOU HAVE AN INTEREST AT THIS MEETING, PLEASE:

- Declare it and give details of its nature before the matter is discussed or as soon as it becomes apparent to you.
- Complete this sheet and pass it to the Democratic Services Officer.

Name:		Date of meeting:	
Meeting:			
Item to which your interest relates:			
Nature of Interest i.e. either disclosable pecuniary interest (as defined by Table 1 of Appendix B to the Code of Conduct, Other Registerable Interest or Non-Registerable Interest (as defined by Appendix B to Code of Conduct) (please give details):			
Are you intending to withdraw from the meeting?		Yes - <input type="checkbox"/>	No - <input type="checkbox"/>

Registering Interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest.

Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in **Table 1**) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
- a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative or close associate; or
 - c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2** you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied
9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well- being:
- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

NORTHUMBERLAND COUNTY COUNCIL STAFF AND APPOINTMENTS COMMITTEE

At a meeting of the **Staff and Appointments Committee** held in the Council Chamber, County Hall, Morpeth on Monday 20 February 2023 at 10.00 am.

PRESENT

Councillor G. Sanderson
(in the Chair)

MEMBERS

Dale, A.
Dickinson, S.
Flux, B.

Hunter, E.I.
Purvis, M.
Watson, J.G.

OFFICERS IN ATTENDANCE

Binjal, S.

Crosland, S.
Elsdon, A.
Farrell, S.
Hadfield, K.

Paterson, Dr H.
Sample, C.

Interim Director of Governance and
Monitoring Officer
HR Consultant
Service Director Finance
Acting Head of HR/OD
Democratic and Electoral Services
Manager
Chief Executive
Lawyer

56. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Simpson and Wearmouth.

57. MINUTES

RESOLVED that the minutes of the meeting of the Committee held on 30 January 2023, as circulated, be confirmed as a true record and signed by the Chair.

58. REPORT OF THE CHIEF EXECUTIVE AND HEAD OF PAID SERVICE

Senior Management Restructure Proposal

The report sought agreement to a proposal for a management restructure across the Council consistent with the revised Executive Director structure.

Ch.'s Initials.....

The Committee approved the revised executive arrangements (tiers 1 and 2) at its meeting in September 2022 and this was subsequently also approved by full Council, with progressive implementation since that time. This proposal covered the necessary senior management restructure (tiers 3 and 4) and the proposal was appended to the report (Appendix 1). Appendix 1 to be considered under agenda item 10 in Part 2 of the agenda. (copy attached to the signed minutes as Appendix A).

The report was introduced by the Chief Executive. She highlighted that the current structure had evolved over time and was not consistent with itself and the roles as they currently were. She drew members' attention to the design principles, advising that the structure was there for consultation at this stage. Affected staff would be met with after the meeting, assuming members approved it, and meetings with Trade Unions would follow.

A number of points were made including:-

- On page 6, Councillor Dickinson asked how savings could be achieved if the number of heads of service roles were increasing. Members were advised that reductions in other areas balanced this out overall.
- Councillor Watson welcomed the fact that discussions were now being held with staff as it would ease a lot of unsettlement. He agreed that there were some tweaks which could be done and that this would come out as part of the consultation.
- Councillor Purvis asked why management did not meet with staff and Trade Unions together. Members were advised that sometimes staff preferred to speak without Trade Union representatives present. Or, they may wish to reflect on things before speaking to them. Time was factored in for staff to meet with Trade Unions and Executive Directors, and Trade Unions were already aware of the shape of the proposals so were able to consider things from their members' perspective, and take comfort that there was a structure and consultation process for the next 30 days.

RESOLVED that:-

- (a) the proposed senior management (tiers 3 and 4) restructure be approved for consultation as detailed in Appendix 1 (exempt from publication for reasons set out in the agenda letter) to the report;
- (b) the Committee note that the proposed restructure is subject to formal consultation with affected colleagues and Trade Union representatives, in keeping with the Council's Management of Organisational Change policy (Appendix 2);
- (c) the Committee note that following the results of formal consultation, the Chief Executive will consider any required adjustments and the finalised structure will be brought back to a meeting of this Committee during April for final approval; and

- (d) proposed Tier 3 roles be established at either Band 16 or 17 and proposed Tier 4 roles at either Band 14 or 15. For salaries over £100,000 formal approval of this Committee will be required in line with the Council's Pay Policy.

59. REPORT OF THE INTERIM DIRECTOR OF HR/OD

Pay Protection Provision for Senior Managers

The report sought approval to agree to an adjustment of current provision for pay protection for employees at NCC Band 14 and above i.e. those on Senior Manager Terms and Conditions. The proposed adjustment would bring greater parity with provision for employees at NCC Band 13 and below (Pay Protection policy – appendix 1) and with other local government employers (Benchmarking – appendix 2) (copy attached to the signed minutes as Appendix B).

The report was presented by the Acting Head of HR/OD. She highlighted that the policy was barely called upon and had not been reviewed since 2013. Benchmarking had been carried out with other authorities and the change was likely to affect two heads of service.

Members welcomed the proposals.

RESOLVED that:-

- (a) a one-off arrangement for the payment of pay protection at a value of 100% protection for a period of 18 months be agreed. This will apply only to those impacted by the senior management review proposed to commence consultation on 21 February 2023;
- (b) a subsequent review of pay protection arrangements be undertaken with a view to harmonising provision across all employee groups; and
- (c) a harmonised pay protection policy should aim to be affordable, supportive to employees and be benchmarked against other local government employers.

60. REPORT OF THE CHIEF EXECUTIVE AND HEAD OF PAID SERVICE

Restructure of Tiers 3 and 4 – Consequential Redundancies

The report set out the current position and requested approval of the applications for voluntary redundancy (VR) for five posts. It highlighted the considerations taken around the applications of VR against the tiers 3 and 4 restructure.

It provided a financial position highlighting the overall savings that may be achieved as a result of granting the requests of the five members of staff.

It outlined that in the case of two of the posts, the final decision rested with full Council due to the cost of the individual exit packages exceeding £100,000.

Appendix 2 to be considered under agenda item 11 in Part 2 of this agenda. (copy attached to the signed minutes as Appendix C).

The report was introduced by the Chief Executive.

A number of points were made, including:-

- Councillor Dickinson asked why previous reports on voluntary redundancies had contained much greater detail for consideration in public than was the case here. The sums involved were also greater in these cases. He also asked how the voluntary redundancies were consequential when the structure had been discussed for some time.
- The Monitoring Officer confirmed that a consistent approach had been taken. Such information had to be in the public domain unless there was good reason to withhold it. The previous cases Councillor Dickinson referred to were Chief Officers and therefore their roles were in the public domain. The public interest test differed depending on the individual circumstances. Staff that were subject of this report were less senior and would normally not have needed to come to the Committee but the voluntary redundancies demonstrated how they fitted in with the proposed structure. Two were also over £100,000 and would therefore need Council approval. The Service Head for Finance added that the exemption outweighed the public interest in disclosure because these applications would not normally be brought to Staff and Appointments Committee for approval. They were more junior roles and therefore it would not be right to name them in the report. The purpose of the report was to determine whether they were affordable in the overall proposed structure.
- Councillor Purvis asked about the ring fencing process. The Acting Head of HR/OD confirmed that an employee's fit would be assessed against a role and if there was an 80% match they would be slotted in. A more detailed response would be given to Councillor Purvis after the meeting.

RESOLVED that:-

- (a) the voluntary redundancy applications for the following posts be approved:
 - Revenues and Benefits Manager
 - Director of Housing and Public Protection
 - Head of Property and Capital Programming
 - General Manager, Adult Social Care
 - Strategic Services Manager (Planning)
- (b) Council be recommended to agree that the applications for voluntary redundancy for the Director of Housing and Public Protection and the Revenues and Benefits Manager are approved; and
- (c) the cost of the redundancies outlined in the report be met from the Council's Restructuring Reserve. A recommendation will be made to Cabinet in the next financial monitoring report.

The Chief Executive left the meeting at this point.

61. REPORT OF THE INTERIM DIRECTOR OF HR/OD

Chief Executive Performance Appraisal

The report sought approval to an appraisal process for the Chief Executive in line with the guidance laid out within the JNC Handbooks for Chief Executives (Appendix 2.) The report offered a defined process for appraisal for the Committee to consider and agree (copy attached to the signed minutes as Appendix D).

Councillor Dale asked whether there was a need for external support to be sought for this process. The Leader replied that the Chief Executive was happy with what was proposed.

Councillor Dickinson had every confidence that the Leader could carry out the Chief Executive’s appraisal with in house support from officers, which he supported.

RESOLVED that:-

- (a) the appraisal process be as defined in the attached appendix 1; and
- (b) the Chief Executive’s appraisal be conducted by the Leader and the Deputy Leader with administrative support from the Director of HR/OD

The Chief Executive returned to the meeting.

62. EXCLUSION OF PRESS AND PUBLIC

RESOLVED

- (a) That under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items on the agenda as they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A of the 1972 Act, and
- (b) That the public interest in maintaining the exemption outweighs the public interest in disclosure for the following reasons:-

Agenda Item Paragraph of Part I of Schedule 12A

10 and 11	1 and 2 Information relating to any individual and information which is likely to reveal the identity of an individual.
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AND The public interest in maintaining the exemption outweighs the interest in disclosure because disclosure would adversely affect the Authority’s interests.

The Monitoring Officer cautioned that members could comment on the confidential appendices relating to the reports in Minute No.s 58 and 60, but the decisions had been made on these matters.

63. REPORT OF THE CHIEF EXECUTIVE AND HEAD OF PAID SERVICE

Senior Management Restructure Proposal

Members had been circulated with a confidential Appendix 1 under Agenda item 4 in Part 1 of this agenda.

Councillor Dale sought clarification on a couple of points regarding the Chief Internal Auditor and the Head of Policy and Performance roles which was provided.

Councillor Dickinson sought clarification on the internal change consultants which was provided.

CHAIR.....

DATE.....



Northumberland County Council

Staff and Appointments Committee

9 March 2023

PREFERRED CANDIDATE APPOINTMENT - Director of Workforce and Organisational Development

Report of the Chief Executive and Head of Paid Service

1. Purpose of the Report

The purpose of this report is to confirm and set out to the Staff and Appointments Committee the outcome of the selection process for the Director of Workforce and Organisational Development and to seek approval for the appointment of the preferred candidate. Attached to this report is a confidential (part 2) exempt Appendix 1, setting out the details of the preferred candidate.

The Committee will recall at its meeting on 20 December 2022, that arrangements for the permanent recruitment to this role was agreed.

This report also reminds the Committee of the requirements under the Officer Employment Procedure Rules in relation to the appointment (or dismissal) of all Chief and Deputy Chief Officers. Accordingly, please note that all the appointments referred to in this report are subject to no substantial and well-founded objections being notified to the Leader of the Council, in accordance with Part 4.3 of the Constitution (Officer Employment Procedure Rules).

1. Recommendations

To agree the following recommendations:

- 1) To accept the findings of the selection panels that the preferred candidate be appointed to the role of Director of Workforce and Organisational Development. Details are set out in the attached confidential appendix 1.
- 2) To agree that in the event that any objection is received from the Leader and/or Cabinet that the appointment in question be referred back to this Committee for urgent consideration.
- 3) To note that offers of employment will be subject to all necessary pre-employment checks.
- 4) To note that the effective date of commencement of employment is to be confirmed following all the necessary pre-employment checks.
- 5) To agree that Director of Workforce and Organisational Development receives staff benefits in line with all Council employees and remuneration of £96,416 per annum within pay band 16 (this cost excludes employer's national insurance and employer's pension contributions).

2. Process and Timeline

At the meeting of the Staff and Appointments Committee on 15 December 2022 the appointment process for the role of Director of Workforce and Organisational Development was agreed. Also agreed was the Job Description (and salary range), the indicative timetable for the recruitment process and the selection methodology.

Unlike the Executive Director posts, this is an appointment at the next level down in the management structure. This key difference in seniority and pay has been considered in terms of the selection and appointment process to ensure it is proportionate and focussed. The process as set out in December replicated that which was used for significantly more senior roles (Executive Directors) and it was felt that an adjustment needed to be made.

The format and process for final interview and selection was reviewed and a refinement made to the final panel comprising a panel chaired by the Chief Executive along with the Leader and the portfolio holder for corporate services (given the role is in this domain) supported by a specialist HR advisor. This provides for an improved balance of officer and member representation on the panel and for the Chief Executive to be directly involved in the process of selecting and recommending a preferred candidate for appointment to the Staff and Appointments Committee which of course retains overall control of decision making.

The assessment and selection process for the two shortlisted candidates involved the following:

- A presentation with a question and answer session with a panel of Heads of Service, Service Directors, service-specific representatives, trade union and staff network representatives.
- Individual meetings with the Chief Executive and Head of Paid Service.
- A presentation and structured interview with a panel comprising two Elected Members representing the leader and the portfolio holder and the Chief Executive to whom the role reports.

- Psychometric Assessment to gain information on candidate personality and potential suitability against the role profile. This allows the mapping of desirable values and behaviours against personality attributes and traits. The outputs were written with specific emphasis on the Nolan Principles/code of conduct and the council's values.

A summary session was conducted to discuss the outcomes of the assessment centre exercises and to evaluate candidates. These discussions included Elected Members that participated on the interview panel alongside the Chief Executive and were facilitated by the Council's recruitment partners, Penna.

3. **The Preferred Candidate**

Following the completion of the assessments set out above, the interview panel identified the preferred candidate for the role which is the current (acting up) Service Director for Human Resources and OD.

Conclusions were reached following a thorough assessment of the candidate's skills, knowledge and experience. The processes also considered candidate fit against the Council's values and the Nolan Principles. The candidate CV (confidential) is attached at appendix 1.

The candidate has been informed that she is the preferred candidate for the role and has indicated acceptance of the conditional offer of appointment. The offer been made subject to the recommendation of this Committee and the Officer Employment Procedure Rules (as set out below).

4. **Officer Employment Procedure Rules**

The Local Authorities (Standing Orders) (England) Regulations 2001 (as amended) requires that, where a Council is operating a Cabinet and Leader model of governance, before any offer of appointment is made to a Chief or Deputy Chief Officer, the Proper Officer designated for that purpose, notifies the Leader and every member of the Cabinet of the intention to make the appointment, the name, salary and other relevant particulars of the post, and allows the Leader and Cabinet an opportunity to make any substantial or well-founded objections to that appointment, before the appointment is made. These provisions apply irrespective of whether the appointment is made by the full Council, a committee, or by an officer of the Council delegated to do so. The provisions are broadly set out in Part 4.3 of the Northumberland County Council Constitution.

The Proper Officer designated for this purpose is the Chief Executive/Head of Paid Service. Accordingly, the Council's Chief Executive and Head of Paid Service will discharge the functions as required under the Officer Employment Procedure Rules.

Implications

Policy	Oversight of HR Policies and Procedure
Finance and value for money	Permanent appointment to this role is deemed to be appropriate and the cost of the appointment will be met from within the Council's revenue budget.

Legal	<p>StAC has been appointed to discharge the Council's functions of the employer in relation to Chief and Deputy Chief Officers. Chief Officers is defined as the Head of Paid Service, the Monitoring Officer and any officer as defined in S2 (1) (b) (c) and (d) as in the Local Government and Housing Act 1989.</p> <p>StAC will also determine the terms and conditions relating the employees of the Council including the remuneration and terms of employment for the Head of Paid Service and Chief and Deputy Chief Officers.</p> <p>All other legal implications have been addressed within the body of this report.</p>
Procurement	Agreed via procurement process to commission Penna PLC to support the recruitment and assessment process.
Human Resources	The appointment has been made in line with appropriate employment recruitment processes.
Property	N/A
Equalities (Impact Assessment attached) Yes <input type="checkbox"/> No <input type="checkbox"/> N/A X	The recruitment for this process is in line with best practice in relation to promoting equality and diversity within the Council's recruitment processes.
Risk Assessment	Consistent with Independent Corporate Governance Review (Caller Report)
Crime & Disorder	N/A
Customer Consideration	N/A
Carbon reduction	N/A
Health and Wellbeing	The recommendations will support the health and wellbeing of Council Employees at varying levels within the organisation
Wards	The recommendations are not related to any particular ward but cover the County of Northumberland.

Report sign off.

Authors must ensure that officers and Members have agreed the content of the report:

	Full Name of Officer
Monitoring Officer / Interim Director of Governance	Suki Binjal
Executive Director – Transformation & Resources (S151)	Jan Willis
Chief Executive and Head of Paid Service	Helen Paterson
Portfolio Holder(s)	N/A

Appendices

Appendix 1 – Confidential and exempt - Candidate CV

Background information

N/A

Linked reports

- 15 December 2022 Staff and Appointments report prepared by the Interim Director of HR/OD – proposed recruitment process.
- 30 January 2023 Staff and Appointments report prepared by the Interim Director of HR/OD – detailed recruitment process.

Authors and Contact Details

This report has been prepared by the HR Consultant

Contact details:

Steve Crosland

HR Consultant

s.crosland@northumberland.gov.uk

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Northumberland County Council

Staff and Appointments Committee

9 March 2023

PREFERRED CANDIDATE APPOINTMENT - Director of Corporate Law and Governance and Monitoring Officer.

Report of the Chief Executive and Head of Paid Service

1. Purpose of the Report

The purpose of this report is to confirm and set out to the Staff and Appointments Committee (StAC) the outcome of the selection process for the Director of Corporate Law and Governance and Monitoring Officer and to seek approval for the appointment of the preferred candidate. Attached to this report is a confidential (part 2) exempt Appendix 1, setting out the details of the preferred candidate.

Section 5 of the Local Government & Housing Act 1989 requires the Council to designate one of its Officers as Monitoring Officer.

The Committee will recall at its meeting on 30th January 2023, a candidate was offered this position following the wider process for the selection and appointment of all Executive Directors and the Director of Law and Governance roles. However, this latter offer was subsequently declined.

This report also reminds the Committee of the requirements under the Officer Employment Procedure Rules in relation to the appointment (or dismissal) of all Chief and Deputy Chief Officers. Accordingly, please note that the appointment referred to in this report will be subject to no substantial and well-founded objections being notified to the Leader of the Council, in accordance with Part 4.3 of the Constitution (Officer Employment Procedure Rules).

1. Recommendations

To agree the following recommendations:

- 1) To accept the recommendations of the Head of Paid Service that the preferred candidate be appointed to the role of Director of Corporate Law and Governance and Monitoring Officer.
- 2) To agree that in the event that any objection is received from the Leader and/or Cabinet that the appointment in question be referred back to this Committee for urgent consideration.
- 3) Subject to there being no objection from the Leader and/or Cabinet to the appointment, to recommend to full Council that the preferred candidate (details set out in the confidential appendix 1 to this report) be appointed as the Council's Monitoring Officer for a fixed period of two years.
- 4) To note that offers of employment will be subject to all necessary pre-employment checks.
- 5) To note that the effective date of commencement of employment is to be confirmed following all the necessary pre-employment checks but it is anticipated to be early June 2023
- 6) To agree that Director of Corporate Law and Governance and Monitoring Officer receives staff benefits in line with all Council employees and remuneration of £140,000 per annum which is a spot salary at the top of pay band 17 and inclusive of the 2023/24 pay award (this cost excludes employer's national insurance and employer's pension contributions).

2. Process and Timeline

At the meeting of the Staff and Appointments Committee on 15 December 2022 the appointment process for the role of Director of Corporate Law and Governance and Monitoring Officer was agreed. Also agreed was the Job Description (and salary range), the indicative timetable for the recruitment process and the selection methodology.

A meeting to determine a final shortlist took place on Thursday 19 January 2023 with selection completed on 27 January 2023 and a preferred candidate identified. A conditional job offer was made to this candidate but was subsequently declined.

At the meeting of the Staff and Appointments Committee on 30 January 2023, it was noted that consideration would be given to how this post might be filled in the future with an update to be provided.

During the early part of February 2023 our recruitment partners (Penna) commenced a further market search in respect of an appropriately experienced Monitoring Officer. This confirmed that the availability of good quality and experienced candidates is extremely limited and as such the Council needed to act quickly and decisively to secure the resource required.

It also became evident that events of the recent past have adversely affected the ability of the Council to attract interest from candidates within existing substantive positions in other local authorities.

However, despite this, Penna did identify two contenders from within the interim and fixed term market for consideration. Following a shortlisting by Penna and a technical assessment, a suitably experienced and strong candidate (who was known also to be available when required) met informally with the Chief Executive, Executive Director of Finance and the current interim Director of Law & Governance. The conclusion of the statutory officers was that the candidate was high quality and keen to join the Council as soon as practicable.

Accordingly, two further informal meetings were convened. The first was held on 23 February 2023 and comprised the Leader, relevant Portfolio Holder (who is also the Deputy Leader) and Chief Executive. The Leader and Portfolio Holder/Deputy Leader supported an appointment of the candidate and recommended he meet informally with the other Group leaders.

The Leaders of the Labour, Liberal Democrat and Green parties met the candidate on 24 February 2023 (the Leader of the Independent Group was invited but was unable to attend). They similarly concluded that the candidate should be offered the position and that this should be considered by the Staff and Appointments Committee as soon as possible, given the competition for securing such resource.

3. The Preferred Candidate

Clearly the Council has had to respond to specific market pressures in its search for a suitable candidate for this critical role. However, the process adopted has been rigorous and thorough, involving both external vetting and internal scrutiny by officers and leading Members.

Conclusions were reached following a thorough assessment of the candidate's skills, knowledge and experience. The processes also considered candidate fit against the Council's values and the Nolan Principles. The candidate CV is attached as a confidential appendix.

It should be noted that the appointment is on a full-time basis for a fixed term of two years which reflects the very limited availability of suitable candidates in the market. However, what this will provide is a period of stability and the opportunity to consider an appropriate medium term succession plan.

The candidate has been informed that he is the preferred candidate for the role and has indicated acceptance of the conditional offer of appointment. The offer been made subject to the recommendation of this Committee and the Officer Employment Procedure Rules (as set out below). The appointment and designation as the Council's Monitoring Officer will be subject to full Council approval.

4. Officer Appointment Procedure Rules

The Local Authorities (Standing Orders) (England) Regulations 2001 (as amended) requires that, where a Council is operating a Cabinet and Leader model of governance, before any offer of appointment is made to a Chief or Deputy Chief Officer, the Proper Officer designated

for that purpose, notifies the Leader and every member of the Cabinet of the intention to make the appointment, the name, salary and other relevant particulars of the post, and allows the Leader and Cabinet an opportunity to make any substantial or well-founded objections to that appointment, before the appointment is made. These provisions apply irrespective of whether the appointment is made by the full Council, a committee, or by an officer of the Council delegated to do so. The provisions are broadly set out in Part 4.3 of the Northumberland County Council Constitution.

The Proper Officer designated for this purpose is the Chief Executive/Head of Paid Service. Accordingly, the Council's Chief Executive and Head of Paid Service will discharge the functions as required under the Officer Employment Procedure Rules.

Implications

Policy	Oversight of HR Policies and Procedure
Finance and value for money	Fixed term appointment to this role is deemed to be appropriate and the cost of the appointment will be met from within the Council's revenue budget.
Legal	<p>Staff and Appointments Committee (StAC) has been appointed to discharge the Council's functions of the employer in relation to Chief and Deputy Chief Officers.</p> <p>Chief Officers is defined as the Head of Paid Service, the Monitoring Officer and any officer as defined in S2 (1) (b) (c) and (d) of the Local Government and Housing Act 1989.</p> <p>StAC will also determine the terms and conditions relating to employees of the Council including the remuneration and terms of employment for the Head of Paid Service and Chief and Deputy Chief Officers.</p> <p>However, the appointment and designations of the Monitoring Officer is a matter reserved to full Council.</p> <p>All other legal implications have been addressed within the body of this report.</p>
Procurement	Agreed via procurement process to commission Penna PLC to support the recruitment and assessment process.
Human Resources	The appointment has been made in line with appropriate employment recruitment processes and prevailing market conditions
Property	N/A
Equalities (Impact Assessment attached) Yes <input type="checkbox"/> No <input type="checkbox"/> N/A X	The recruitment for this process is in line with best practice in relation to promoting equality and diversity within the Council's recruitment processes.

Risk Assessment	Consistent with Independent Corporate Governance Review (Caller Report)
Crime & Disorder	N/A
Customer Consideration	N/A
Carbon reduction	N/A
Health and Wellbeing	The recommendations will support the health and wellbeing of Council Employees at varying levels within the organisation
Wards	The recommendations are not related to any particular ward but cover the County of Northumberland.

Report sign off.

Authors must ensure that officers and Members have agreed the content of the report:

	Full Name of Officer
Monitoring Officer / Interim Director of Governance	Suki Binjal
Executive Director – Transformation & Resources (S151)	Jan Willis
Chief Executive and Head of Paid Service	Helen Paterson
Portfolio Holder(s)	N/A

Appendices

Appendix 1 – Confidential and exempt - Candidate CV

Background information

N/A

Linked reports

- 15 December 2022 - Staff and Appointments report prepared by the Interim Director of HR/OD – proposed recruitment process.
- 30 January 2023 - Staff and Appointments report prepared by the Interim Director of HR/OD – detailed recruitment process.

Authors and Contact Details

This report has been prepared by the HR Consultant

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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