



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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