

COUNCIL

22nd March 2023

Appointment of the Council's Monitoring Officer.

Report of the Chair of the Staff and Appointments Committee.

Lead officer – the Chief Executive and Head of Paid Service.

Purpose of the Report

Section 5 of the Local Government & Housing Act 1989 requires the Council to designate one of its Officers as Monitoring Officer. In accordance with the Local Authorities (Standing Orders) (England) Regulations 2000, matters relating to the appointment of a Monitoring Officer are reserved to the Full Council.

The purpose of this report is to consider the recommendation of the Staff and Appointments Committee held on 9 March 2023 to appoint Stephen Gerrard as the Council's Monitoring Officer (MO).

This recommendation was the subject of the following published report [Agenda for Staff and Appointments Committee on Thursday, 9th March, 2023, 2.00 pm - Northumberland County Council \(modern.gov.co.uk\)](#)

Mr Gerrard's CV is attached as a confidential appendix.

Recommendations

It is recommended that Full Council:

1. Accept the recommendation from the Staff and Appointments Committee to appoint Stephen Gerrard as the Council's Monitoring Officer for a fixed period of two years.
2. To note that the effective date of commencement of employment is to be confirmed following all the necessary pre-employment checks. The commencement date has been provisionally agreed as 5 June 2023.

Council is requested to note the following:

1. On the 9th March 2023, Staff and Appointments Committee resolved to appoint Stephen Gerrard as the Director of Corporate Law and Governance.
2. The Committee further resolved that he should receive staff benefits in line with the Council's pay and staff benefits policy and remuneration of £140,000 per annum which is a spot salary at the top of pay band 17 (inclusive of the 2023/24 pay award). This cost excludes employer's national insurance and employer's pension contributions. To clarify, the remuneration is for both the role of Director of Corporate Law and Governance and the Monitoring Officer.

Links to the Corporate Plan

This report is relevant to all areas of the Corporate Plan as it relates to ensuring that the Council is compliant with the constitution and fulfilling its legal duties and requirements to ensure that there is an effective and fit for purpose staffing establishment.

Key Issues

1. The Council engaged Suki Binjal on an interim basis to act as the Monitoring Officer in late 2021.
2. On 15th December 2022, Staff and Appointments Committee agreed the appointment process for the recruitment of a permanent team of Executive Directors including a Monitoring Officer. The report contained a Director of Corporate Law and Governance and Monitoring Officer job description, the salary range, recruitment process and selection methodology.

3. On 27th January 2023, a selection process took place that identified a preferred candidate. 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 could be filled in the future.
4. During the early part of February 2023, the Council's recruitment partner (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.
5. 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.
6. Nevertheless, Penna did identify two candidates from within the interim and fixed term market for consideration. Following a shortlisting exercise 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 (Head of Paid Service), Executive Director of Finance (section 151) and the current interim Director of Law & Governance (MO). The conclusion of the statutory officers was that the candidate was high quality and keen to join the Council as soon as practicable.
7. 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.
8. 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 that this should be considered by the Staff and Appointments Committee as soon as possible, given the competition for securing such resource.
9. Staff and Appointments Committee considered the preferred candidate on 9th March 2023 and resolved subject to there being no objection from the Leader or Cabinet to the appointment, to recommend to full Council that Stephen Gerrard be appointed as the Council's Monitoring Officer for a fixed period of two years.

10. The appointment will be subject to the Council's standard pre-employment checks. The commencement date has been provisionally agreed as 5 June 2023.
11. Stephen Gerrard was given a conditional offer of appointment on 28th February 2023, subject to the recommendation of Staff and Appointments Committee and subsequent Council approval. He has indicated he would accept the appointment, should a formal offer of appointment be made.
12. The Officer Appointment Rules have been followed as per the Constitution of the Council. Under the Constitution the proper officer designated for this purpose is the Chief Executive and Head of Paid Service. No objections to the appointment have been made by the Leader or Cabinet.

Implications:

Policy	Oversight of HR Policies and Procedure
Finance and value for money	A fixed term appointment is deemed to be appropriate as it is a statutory requirement that the Council has a Monitoring Officer in situ and this will offer better value for money than the current interim arrangement. The cost of the appointment will be met from the Council's revenue budget.
Legal	<p>Section 5 of the Local Government & Housing Act 1989 requires the Council to designate one of its Officers as Monitoring Officer.</p> <p>In Autumn 2022, a top tier (tiers 1 & 2) management structure review agreed that the Director of Corporate Governance and Law will be designated as the Council's Monitoring Officer.</p> <p>Staff and Appointments Committee (StAC), discharges 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 also determines 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 designation 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 the procurement process to commission Penna PLC to support the recruitment and assessment process.
Human Resources	The appointment has been made in line with the appropriate employment recruitment processes and market conditions. Relevant legal implications have been set out in the body of this report.
Property	N/A

Equalities (Impact Assessment attached) Yes <input type="checkbox"/> No <input type="checkbox"/> N/A X	The recruitment for this process has been in line with best practice in relation to promoting equality and diversity within the Council's recruitment processes.
Risk Assessment	Consistent with the Independent Corporate Governance Review (Caller Report)
Crime & Disorder	There are no crime and disorder implications within this report.
Customer Consideration	There are no specific customer consideration implications within this report.
Carbon reduction	There are no carbon reduction implications within this report.
Health and Wellbeing	The recommendations will support the health and wellbeing of Council Employees at varying levels within the organisation
Wards	The recommendations do not relate to any particular ward but cover the whole of Northumberland.

Background information

N/A

Linked Reports.

15 December 2022 Staff and Appointments Committee report prepared by the Interim Director of HR/OD - providing further details of the proposed recruitment process.

30th January 2023 Staff and Appointments Committee report prepared by the Interim Director of HR/OD - providing details of preferred candidates.

9th March 2023 Staff and Appointments Committee report prepared by HR Consultant - providing details of the preferred identified candidate.

Appendices

Appendix 1 – Confidential and exempt – Mr Gerrard's CV

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)	Staff & Appointments Committee

Authors and Contact Details

Helen Paterson – Chief Executive and Head of Paid Service

Steve Crosland– HR Consultant