



# Northumberland County Council

## COUNTY COUNCIL

1 November 2023

### **Director of Law and Corporate Governance (Monitoring Officer) - contractual change from fixed term to permanent status. Recommendation of Staff and Appointments Committee held on 25 October 2023.**

Report of Councillor(s): Glen Sanderson, Chair of the Staff and Appointments Committee

Responsible Officer(s): Dr Helen Paterson, Chief Executive and Head of Paid Service.

#### **1. Link to Key Priorities of 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.

#### **2. Purpose of report**

- 2.1 This report asks Council to receive and consider the report and the recommendations of the Staff and Appointments Committee, in respect of the proposal that the current postholder in the role of Director of Law and Corporate Governance (Monitoring Officer) be contracted on a permanent basis.
- 2.2 The Staff and Appointments Committee met on 25 October 2023 and due to the timings of the committee it was not possible to submit a full report for consideration by Full Council.
- 2.3 The full report received by Staff and Appointments Committee was attached as appendix 1 to the bridging report issued with council papers (link at point 7 below 'Key reports already published')

#### **3. Recommendations**

Full Council is asked the following;

- 3.1 To approve the recommendations from the Staff and Appointments Committee held on 25 October 2023 which are as follows;
  - 3.1.1 To approve that the current postholder be offered a permanent contract in the role of Director of Law and Corporate Governance (Monitoring Officer).
  - 3.1.2 To agree that, subject to approval of recommendation 3.1.1 above, permanent contractual status be offered from 2 November 2023.
  - 3.1.3 To note that all other terms and conditions of employment, including salary of £139,366 per annum, will remain unchanged.

#### **4. Background**

- 4.1 A selection exercise to recruit a permanent Director of Law and Corporate Governance (Monitoring Officer) took place on 27 January 2023 and a preferred candidate was identified. A conditional job offer was made to this candidate but was subsequently declined.
- 4.2 A commitment was made at the meeting of 30 January 2023 that alternative arrangements for filling the vacancy would be explored and outcomes would be reported at a future meeting.
- 4.3 During February 2023, our strategic recruitment partners, Penna, were able to offer candidates available for interim work only and through thorough and robust consideration of the candidates put forward by Penna, the current postholder was identified as being significantly high calibre and worthy of appointment.
- 4.4 On 9 March 2023, a report was considered by the Staff and Appointments committee for the approval of the appointment of the preferred candidate, Stephen Gerrard. Approval was given and subsequently approved at a meeting of Full Council on 22 March 2023.
- 4.5 Whilst a fixed term appointment was not the council's preferred outcome, it reflected the availability of candidates at that time. The 2-year fixed term appointment however did provide the council with the prospect of a period of stability and the opportunity to consider an appropriate medium term succession plan.
- 4.6 Stephen Gerrard commenced employment on 5 June 2023 and has successfully completed all progress reviews outlined in the council's Probationary policy to date.

#### **5. Options open to the Council and reasons for the recommendations**

- 5.1 Suitably qualified and experienced Monitoring Officers continue to be in scarce supply.
- 5.2 Since joining, Stephen Gerrard has consistently contributed to the effectiveness of the Executive Management team and has established himself as integral to ensuring

the council can deliver our commitment to improve and strengthen our approach to governance.

- 5.3 It is proposed that Stephen Gerrard be offered a permanent contract in place of his current 2-year fixed term contract.
- 5.4 Offering a permanent contract will provide greater assurance of stability and continuity, essential for continued progress and growth.
- 5.5 Provisional discussions between the Chief Executive and the postholder regarding the proposal have resulted in Stephen Gerrard indicating that he would accept an offer of a permanent contract.

## 6. Implications

<b>Policy</b>	Oversight of HR Policies and Procedure
<b>Finance and value for money</b>	<p>A permanent appointment is deemed to be appropriate in relation to finance and value for money and it is a statutory requirement that the Council has a Monitoring Officer in post.</p> <p>All terms and conditions are to remain the same therefore there are no financial implications</p>
<b>Legal</b>	<p>Section 5 of the Local Government &amp; Housing Act 1989 requires the Council to designate one of its Officers as 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>
<b>Procurement</b>	N/A
<b>Human resources</b>	The contractual change be made in line with appropriate employment processes. Relevant legal implications have been set out in the body of the appended StAC report.

<b>Property</b>	N/A
<b>The Equalities Act: is a full impact assessment required and attached?</b>	Not required The proposal that the Monitoring Officer be made permanent does not carry any equality implications and directly impacts only one individual
<b>Risk assessment</b>	N/A
<b>Crime and disorder</b>	N/A
<b>Customer considerations</b>	N/A
<b>Carbon reduction</b>	N/A
<b>Health and wellbeing</b>	N/A
<b>Wards</b>	N/A

## 7. Links to other key reports already published

[StAC report Director of Law and Corporate Governance \(Monitoring Officer\) - Contractual Change](#)  
– 25 October 2023

[Full Council bridging report 'Director of Law and Corporate Governance \(Monitoring Officer\) - contractual change from fixed term to permanent status'](#) – 1 November 2023 (agenda item 14)

[StAC supplementary report](#) and minutes – 30 January 2023

[StAC report 'Preferred candidate appointment – Director of Law and Corporate Governance \(Monitoring Officer\)](#) - 9 March 2023

[Full Council report 'Appointment of the Council's Monitoring Officer'](#) - 22 March 2023

## 8. Author and Contact Details

Sarah Farrell – Director of Workforce and OD  
Sarah.farrell@northumberland.gov.uk