

Chief Officer Appointments Panel



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| Date of meeting: | 02 June 2023 |
| Title of Report: | Recruitment to Head of Legal Services |
| Lead Member: | Councillor Jemima Laing |
| Lead Strategic Director: | Tracey Lee (Chief Executive) |
| Author: | Di Saunders-Brewer |
| Contact Email: | diana.saunders-brewer@plymouth.gov.uk |
| Your Reference: | Click here to enter text. |
| Key Decision: | No |
| Confidentiality: | Part I - Official |

Purpose of Report

This report provides an update on the interim arrangements for the post of Head of Legal Services and seeks a recommendation for the designation of the Monitoring Officer.

The Monitoring Officer is a Chief Officer role for the purposes of the Local Authorities (Standing Orders) Regulations 1993.

Recommendations and Reasons

It is recommended that the Appointments Panel:

1. Note the interim arrangements for the post of Head of Legal Services;
2. approve permanent recruitment to commence, including the procurement of an executive search agency;
3. Recommend to council the designation of the Acting Head of Legal Services as the Monitoring Officer in accordance with section 5 of the Local Government and Housing Act 1989 from the last day of service of the current post holder. This will be for a period of approximately 6 months or until a permanent Head of Legal Services is recruited.

Alternative options considered and rejected

The Monitoring Officer is a statutory chief officer role and it is therefore it is a legal requirement to designate an officer to undertake the role.

Relevance to the Corporate Plan and/or the Plymouth Plan

The Corporate Plan outlines the strategic direction of the Council and recommendations within this report align to this.

Implications for the Medium Term Financial Plan and Resource Implications:

Chief Officer roles are permanent positions with established budget contained within the Medium Term Financial Plan, and costs arising from this report can be contained within budget.

Financial Risks

Full costs of any proposal will be available to Members ahead of any commitment of resources.

Carbon Footprint (Environmental) Implications:

It is the responsibility of all senior officers to ensure we develop and deliver our plans for both ensuring the Council is carbon neutral by 2030 and leading the City in carbon reduction. Digital will be a significant contributor to enable the Council and City to work, connect and behave differently in the future. In respect of the recruitment process, steps will be taken to ensure that where meetings can be undertaken virtually this is done to reduce travelling time, costs and associated carbon implications. There will be minimum use of printing and paper as emails, virtual meetings and other media will be utilised where possible.

Other Implications: e.g. Health and Safety, Risk Management, Child Poverty:

The Monitoring Officer) holds statutory responsibility and is key to delivering priorities in relation to service delivery and ensuring the Council's statutory duties, responsibilities and accountabilities are discharged. Any recruitment and selection processes will be undertaken with reference to the Council's established procedures and relevant legislation.

Appendices

| Ref. | Title of Appendix | Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i> | | | | | | |
|------|-------------------------------------|--|---|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| A | Head of Legal Services Role Profile | | | | | | | |

Background papers:

| Title of any background paper(s) | Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i> | | | | | | |
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Sign off:

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| Fin | DJN. 23.24. 31 | Leg | LS/00 0013 12/26 /5/23/ AC | Mon Off | | HR | KB21 0381 | Asset s | Click here to enter text. | Strat Proc | Click here to enter text. |
| Originating Senior Leadership Team member: Giles Perritt | | | | | | | | | | | |
| Date agreed: 01/06/2023 | | | | | | | | | | | |
| Please confirm the Strategic Director(s) has agreed the report | | | | | | | | | | | |

Cabinet Member approval: Councillor Jemima Laing

Date approved: **01/06/2023**

I. INTRODUCTION

1.1. The Local Authorities (Standing Orders) Regulations 1993 prescribe a number of actions when recruitment to a Chief Officer post is required. The definition of 'Chief Officer' for the purposes of these regulations refers to:

- the Head of Paid Service,
- the Monitoring Officer,
- the Section 151 Officer,
- a statutory Chief Officer (as defined by section 2(6) of the 1989 Act) and
- Non-statutory Chief Officers as defined by section 2(7) of the 1989 Act (which essentially include officers who report directly to the head of paid service): regulation 1(2) of the 1993 Regulations.
- A Deputy Chief Officer (those reporting to a Chief Officer)

1.2. There are a number of defined activities that must be undertaken, including:

- The creation of a document clearly stating the duties of the officer, what qualifications, experience and skills they will need to undertake the role (the role profile).
- Making arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it.
- Providing a copy of the role profile to any person requesting this.

1.3. Once advertised as above, authorities will either interview all those who are qualified to undertake the role or select a short list of qualified applicants. If there are no qualified applicants the local authority will then make further arrangements.

2. CHIEF OFFICER APPOINTMENTS PANEL DELEGATED FUNCTIONS

2.1. Council has delegated the function of interviewing, agreeing terms and recommending a preferred candidate for Chief Officer Roles to the Chief Officer Appointments panel (COAP). COAP will make recommendations for appointment/designation to full Council where required by legislation.

3. INTERIM ARRANGEMENTS

3.1. Following the resignation of the current post holder, there is a need to establish interim arrangements at the council meeting in June to comply with the legal requirement to have a designated Monitoring Officer in place..

3.2. Following the resignation of the current post holder an internal interim resource has been sought in the first instance. This will provide time to undertake a permanent recruitment exercise.

3.3. This interim approach ensures no "gap" in the provision of senior legal advice for Plymouth City Council. This process has been used previously and allows PCC to test if there are candidates ready for promotion, career development or career enrichment.

3.4. Alison Critchfield (Senior Lawyer, Commercial Projects) has agreed to undertake the role of Head of Legal Services to temporarily cover the post in line with the City Council's [Acting Up / Additional Duties Policy](#).

4. LEGAL AND GOVERNANCE CONSIDERATIONS

- 4.1. Section 5(1)(a) of the Local Government & Housing Act 1989 states that: “It shall be the duty of every relevant authority to designate one of their officers (to be known as “the monitoring officer”) as the officer responsible for the duties imposed by this section”
- 4.2. This power may only be exercised by the Full Council as a matter of law and 10.2.2 of the City Council’s constitution. As a result a report will be prepared for Council designating the Monitoring Officer as the acting Head of Legal Services until a permanent replacement can be appointed.

RECOMMENDATION

It is recommended that the Appointments Panel:

1. Note the interim arrangements for the post of Head of Legal Services;
2. approve permanent recruitment to commence, including the procurement of an executive search agency;
3. Recommend to council the designation of the Acting Head of Legal Services as the Monitoring Officer in accordance with section 5 of the Local Government and Housing Act 1989 from the last day of service of the current post holder. This will be for a period of approximately 6 months or until a permanent Head of Legal Services is recruited.