

Committee: Council

Date: 10 July 2019

Agenda item:

Wards: All

Subject: Recruitment for Assistant Director Corporate Governance

Lead officer: Ged Curran, Chief Executive

Lead member: Councillor Mark Allison – Cabinet Member Corporate Services

Contact officer: Caroline Holland, Director of Corporate Services

Recommendations:

- A To approve the recruitment to the post of Assistant Director of Corporate Governance and Monitoring Officer at a salary exceeding £100,000.
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Reasons for urgency: The Chair has approved the submission of this report as a matter of urgency as the Assistant Director Corporate Governance will be leaving the organisation in October 2019 and this role requires full Council approval before the recruitment process can commence.

Purpose of report

- 1.1 The post of Assistant Director of Corporate Governance currently fulfils the role of statutory Monitoring Officer jointly for Merton and Richmond Councils. The council is required by section 5 Local Government and Housing Act 1989 to appoint a Monitoring Officer to have responsibility for the authority's governance systems and lawful decision making of the Council.
- 1.2 The post is also responsible for the Council's shared legal service, the South London legal Partnership (SLLP), delivering legal services to the London Boroughs of Richmond, Wandsworth, Sutton, Merton and the Royal Borough of Kingston. In addition, the post has responsibility for Merton Council's Audit Service, Democratic Services, Elections and Information Governance teams.
- 1.3 The role is a challenging one whereby the post holder is required to have complex specialist skills and be able to lead in an ever-changing environment.
- 1.4 The pay scale for this post is currently £94,248 to £98,484 plus a market supplement of £24,771. The total cost of the post including on-costs is £158k based on the top of the scale with the current market supplement. Of the total cost, 75% is met by the SLLP budget shared between the partners based on their usage of the service. The remaining 25% is split between Merton and Richmond Councils. Based on the 18/19 use of the shared service, Merton

Council's total contribution for the post is expected to be £41,000 for 2019/20. Salaries will normally increase from 1 April each year following a nationally determined pay award.

- 1.5 The Pay Policy Statement 2019/2020 requires the approval of full Council for any new appointment where the salary is £100,000 per annum or more and this agreement should be sought at the start of the recruitment process.

2. Details

- 2.1 The Assistant Director of Corporate Governance is leaving the Council in October 2019.
- 2.2 The recruitment campaign for the post of Assistant Director of Corporate Governance will be handled by an executive search agent who will be required to provide evidence of their track record of successfully recruiting to senior local government roles.
- 2.3 The Council will take advice on an appropriate salary level in the current market. However it is anticipated this will be broadly in line with the current salary of the post at £120,000- £125,000. The actual salary on appointment will be dependent on the experience of the candidate.
- 2.4 The appointment will be considered by the Appointments Committee in accordance with the Constitution. The appointment will be subject to final approval by full Council in the autumn.

3. Alternative options

- 3.1 The Council is required by statute to appoint a Monitoring Officer.

4. Consultation undertaken or proposed

- 4.1 The appointment process will involve the participation of representatives of Richmond, Wandsworth, Sutton, and Kingston Councils at an officer level.

5. Timetable

- 5.1 An appointments committee will be convened as soon as possible to agree and commence the recruitment process. The committee will interview shortlisted candidates and make a recommendation to full council to appoint in the Autumn period.

6. Financial, Resource and Property Implications

- 6.1 The cost of this post is shared by the councils within the SLLP. Each council contributes towards to cost of the post, with Merton Council's contribution being £41,000. Merton's contribution is met from the existing revenue budget allocation.
- 6.2 The executive search agent's fee will be approximately £15,000 and advertising costs will be in the region of £6,000.

7. Legal and statutory implications

- 7.1 Section 5 Local Government and Housing Act 1989 (as amended) requires each council to appoint a Monitoring Officer.
- 7.2 This post is covered by the Employee Procedure Rules (part 4H) of the constitution. The Appointments Committee is responsible for appointing to the Monitoring Officer's post. Once the recruitment process is completed in accordance with the Council's recruitment procedures an offer of appointment cannot be made by the Appointments Committee until the Committee has notified the Chief Executive of the name of the person to whom the Committee wishes to make an offer. The Chief Executive is then to notify the details to every member of the Cabinet. The appointment will only be made where no material or well-founded objections from the Cabinet have been received. Committee should therefore build this process in the recruitment planning.
- 7.3 In all other respects, the process must comply with the Council's recruitment procedures.
- 7.4 The appointment of the Monitoring Officer requires the approval of full Council.
- 7.5 As with all appointments of officers and staff, the appointment must be made on merit in accordance with section 7 of the Local Government and Housing Act 1989.
- 7.6 In line with statutory requirements the Council's constitution and Pay Policy Statement require full Council approval for salaries over £100,000.

8. Human rights, equalities and community cohesion implications

- 8.1 The contents of this report are designed to ensure that the Council's processes are human rights and equalities compliant.
- 8.2 It is unlawful to discriminate on grounds of gender, race, disability, age, religion and belief and sexual orientation. This refers to both direct and indirect discrimination. In effect the process has to be evaluated against three tests (1) intention (2) method (3) effect. Where there is an intention to discriminate on any of the prohibited grounds, this would be unlawful. Where there is no such intention but the recruitment methods used are discriminatory, then the outcome may be open to challenge. Where the intention and method are sound but the effect is shown to have disproportionate effect on a particular category of applicant then the outcome may be open to challenge.

9. Crime and Disorder Implications

- 9.1 None

10. Risk management and health and safety implications

10.1 None