

COUNTY COUNCIL

28 FEBRUARY 2024

RECRUITMENT TO THE POST OF POST OF HEAD OF LAW, GOVERNANCE AND CIVIL SERVICES (AND MONITORING OFFICER).

Purpose: to seek County Council endorsement.

Recommendations / key decisions required:

- County Council approves the enclosed Job Profile and Person Specification.
- County Council approves the proposed interim arrangements be implemented, following an expressions of interest exercise to be operational until such time as the new Head of Law, Governance and Civil Services (and Monitoring Officer) takes up their position.
- County Council notes that, once the appointments Committee 'B' has been convened to appoint a new Head of Law, Governance and Civil Services, that a further report be brought back to a future meeting of County Council to note the appointment, and for County Council to designate the new appointee as the Council's Monitoring Officer pursuant to Section 5 of the Local Government and Housing Act 1989.

Reasons:

- To comply with the Authority's Constitution, and to comply with the revisions to the Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014, as set out in the enclosed summary report.
- To ensure that the Council has a Monitoring Officer in place to cover the statutory and constitutional roles as set out in Article 9 of the Council's Constitution

Cabinet Decision Required - NO

Council Decision Required - YES

CABINET MEMBER PORTFOLIO HOLDER: Councillor P Hughes, Organisation and Workforce

Directorate: Chief Executive's	Designations: Assistant Chief Executive (People Management)	Tel: 01267 246123 Email addresses: Prthomas@carmarthenshire.gov.uk
Name of Head of Service: Paul Thomas		
Report Author: Paul Thomas		

EXECUTIVE SUMMARY

COUNTY COUNCIL
28 FEBRUARY 2024

RECRUITMENT TO THE POST OF POST OF HEAD OF LAW, GOVERNANCE AND CIVIL SERVICES (AND MONITORING OFFICER).

Background

The current Head of Administration & Law, (including the role of Monitoring Officer) will be leaving the Council with effect from 1st June 2024. The Council therefore needs to designate an Interim Monitoring Officer to discharge this statutory role until the conclusion of the appointments process which is currently underway, and the new Head of Law, Governance and Civil Services is in post.

Discussions have been held between the Chief Executive, Corporate Management Team colleagues and Cabinet members, to consider the way forward for the service, with a view to ensuring that this important post is fit for the future, as well as helping to deliver savings to the Authority.

With a view to reduce the number of direct reports to the Chief Executive, it is proposed the Electoral and Registration Service will now report to the Head of Law, Governance and Civil Services (and Monitoring Officer). This will achieve a number of advantages to include maximising the synergies of services as well as helping reduce the number of direct reports to the Chief Executive, and creating a more manageable, balanced, and equitable portfolio.

These amended duties are included in the attached revised Job Profile. The supporting staffing structures below this post will then be realigned to provide the support required once the new Head of Service is appointed.

The appointment to a Chief Officer post where the salary is £100,000 or more, is governed by the Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014. This is reflected in the Authority's Pay Policy for 2023/24. Under the 2014 Regulations, where an authority proposes to appoint a chief officer and it is proposed to pay the chief officer annual remuneration of £100,000 or more, the post must be publicly advertised. The only exception to this requirement is where annual remuneration for a chief officer role is £100,000 or more and the proposed appointment is to be made for a period of no longer than 12 months. This exception will be useful in emergencies or if there were unforeseen departures. The requirement for public advertisement is intended to ensure that able candidates from outside the organisation have the opportunity to gain the position if found to be the most suitable.

The Regulations require that a “relevant body” i.e. the County Council:

(a) “draw up a statement specifying— (i) the duties of the officer concerned, and (ii) any qualifications or qualities to be sought in the person to be appointed.

(b) make arrangements for the post to be publicly advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

(c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.”

Monitoring Officer

The Council has a statutory duty to designate one of its officers as the Monitoring Officer (pursuant to section 5 of the Local Government and Housing Act 1989, ‘the 1989 Act’) and must provide its Monitoring Officer with sufficient staff, accommodation, and other resources to allow the duties of this role to be performed, and previously, the Council has designated this role to the Head of Administration and Law.

The requirement to designate a Monitoring Officer and the statutory functions of the post are set out in Article 11 of the Constitution. Appendix B below sets out the functions of the Monitoring Officer.

The recommendations of this report seek to ensure that responsibility for these matters is allocated appropriately, so that during the transitional period until the new Head of Law, Governance and Civil Services (and Monitoring Officer) takes up the post, the Council can continue to effectively discharge its functions.

Temporary Acting-Up arrangements:

The recruitment to the post of Head of Law, Governance and Civil Services (and Monitoring Officer) is unlikely to be completed prior to the departure of the current incumbent, so interim arrangements will be required.

It is therefore recommended, following the endorsement of this report by County Council, that an internal expressions of interest exercise be undertaken to seek applications from legally qualified individuals who have a practicing certificate and relevant experience.

Proposed Timetable:

28th February 2024: County Council to agree Job Profile - requirement of the Standing Orders Regulations (Wales)

7th March – 7th April 2024: Advertise post

16th April 2024: Shortlisting Panel

20th May 2024: Assessment Centre

29th May 2024: Appointments Panel ‘B’

12th June 2024: Report to County Council to appoint the Monitoring Officer

Recommendations:

It is recommended that County Council:

1. Approves the enclosed Job Profile and Person Specification
2. Approves the proposed interim arrangements be implemented, following an expressions of interest exercise to be operational until such time as the new Head of Law, Governance and Civil Services (and Monitoring Officer) takes up their position.
3. Notes that, once the appointments Committee 'B' has been convened to appoint a new Head of Law, Governance and Civil Services, that a further report be brought back to a future meeting of County Council to note the appointment, and for County Council to designate the new appointee as the Council's Monitoring Officer pursuant to Section 5 of the Local Government and Housing Act 1989.

DETAILED REPORT ATTACHED?

Appendices attached:

Appendix A: Job Profile and Personal Specification for Head of Law, Governance and Civil Services (and Monitoring Officer).

Appendix B: Constitutional responsibilities of the Monitoring Officer.

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: Paul R Thomas, Assistant Chief Executive (People Management)

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets	Bio-diversity & Climate Change
YES	YES	YES	NONE	YES	YES	NONE	NONE

Policy, Crime & Disorder and Equalities

In accordance with the Council's Constitution and Policy Framework.

Legal

As above, and also in accordance with the revisions to the Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014.

Finance

The salary for the Head of Governance & Law is in accordance with the County Council's agreed 23/24 Pay Policy Statement and is within the current budgeted salary. Any net costs of the recruitment process and interim arrangements will be met from departmental reserves

Risk Management

Failure to make provision to discharge the functions contained within this role, efficiently and effectively would place the authority at risk. This is a Statutory post.

Staffing Implications

In accordance with the Council's Constitution and Policy Framework.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below:

Signed: Paul R Thomas, Assistant Chief Executive (People Management)

1. Scrutiny Committee request for pre-determination

N/A

2. County Council
3. Corporate Management
4. Local Member(s) - N/A
5. Community / Town Council - N/A
6. Relevant Partners - N/A
7. Staff Side Representatives and other Organisations - N/A

**CABINET MEMBER PORTFOLIO
HOLDER AWARE/CONSULTED**

Yes

**Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:**

THERE ARE NONE