



CABINET – 2ND APRIL 2014

SUBJECT: INTERIM ARRANGEMENTS – HEAD OF LEGAL SERVICES

REPORT BY: INTERIM CHIEF EXECUTIVE

1. PURPOSE OF REPORT

- 1.1 This report provides options and a recommendation for Cabinet to consider and approve, in respect of the need to make interim arrangements to cover the Head of Legal Services. It also requests approval to deal with any consequential backfilling arrangements to ensure that the authority has appropriate cover, along with the capacity to provide an effective Legal Service and Monitoring Officer functions.

2. SUMMARY

- 2.1 The report gives some background in respect of the need to provide interim arrangements and cover for Legal Services along with options in respect of a temporary solution.

3. LINKS TO STRATEGY

- 3.1 Ensuring that the authority has a Head of Legal Services, Monitoring Officer function and the appropriate capacity to ensure effective service delivery is a key aspect of good Corporate Governance.

4. THE REPORT

- 4.1 Members are aware that very recently there was a decision taken to suspend the current substantive post-holder for Head of Legal Services.
- 4.2 Members are reminded that suspension is a neutral act hence any arrangements made to cover the post need to be made on a temporary basis.
- 4.3 It is anticipated that the temporary arrangements will be required for a twelve month period initially, with a review at the end of this period. Should the opportunity arise earlier to review these arrangements, then action can be taken to do so.
- 4.4 A number of options have been considered which I referred to in my report and presentation to Council on 11th March 2014.
- 4.5 The substantive post-holder's role was Head of Legal Services and Monitoring Officer with Democratic Services, Electoral Services and Policy. In March 2013 Council agreed that the Deputy Monitoring Officer temporarily assume the role of Monitoring Officer as an interim standalone role. In addition, on an interim basis, the Head of Legal Services was allocated responsibility for Health and Safety and Procurement services across the Council. Members will recall that in the recent WAO Special Inspection concerns were raised as to whether the post-holder had sufficient capacity to properly undertake the statutory role due to the

expanded responsibilities. On that basis, it will be appropriate, in due course, to reflect the WAO concerns and revise current responsibilities to ensure that the post-holder is able to concentrate on priority areas.

4.5.1 Options considered in respect of any interim arrangements are as follows:-

- (i) Advertise and appoint to the interim Head of Legal Services in its current interim form. This would keep the Monitoring Officer role as a separate standalone position for the temporary period.
- (ii) Return to the substantive post-holder's original portfolio, i.e. Head of Legal Services and Monitoring Officer, with a further review of the service areas. The review will be undertaken once an interim appointment has been made, and will take account options available across the Council.

4.6 Whilst considering the options, the current temporary "standalone" nature of the Monitoring Officer arrangements have been reviewed. Whilst this arrangement has been extremely successful, especially in respect of delivering the Improving Governance agenda, it does leave the post-holder with limited resource in respect of cover arrangements and capacity. There is also the loss of efficiency, as there are potentially areas of duplication that arise periodically. To a certain extent, the success of the standalone role has been achieved through the hard work and dedication of the current interim post-holder. This level of commitment is unsustainable.

4.6.1 It is anticipated that after the substantial impetus placed behind the Improving Governance work since March 2013, that the role and service will start returning to a period of "business as usual". Hence, after much consideration, it is recommended that option 4.5(ii) is supported and approved by Cabinet.

4.7 Due to the interim nature of the role, it is proposed that the post is advertised internally in the first instance. It is anticipated that there will be candidates applying who are able to be considered. If an appointment cannot be made internally, the post will need to be advertised externally. This will be on the basis of a 12 month fixed-term contract. Should this process prove unsuccessful then we will need to consider other options.

4.8 If an internal appointment is made, there will be a need to backfill any vacant posts as a consequence of this decision. This is essential to ensure that there is sufficient capacity within the service. This is likely to require an external appointment at some level in the structure.

4.9 A report to Council will be required in respect of the Monitoring Officer role once an appointment has been made.

4.10 The post of Head of Legal Services, incorporating the Monitoring Officer role, has been previously evaluated as a HAY Band A. Members are reminded that the pay policy was endorsed on 11th March 2014 by Council. This pay policy included the HAY Band A grade range, which is currently £80,366 to £89,295.

5. EQUALITIES IMPLICATIONS

5.1 No Equality Impact Assessment has been undertaken on this report, as it covers an extension to interim arrangements already agreed. The Council's review of governance processes across the Authority includes equalities considerations at each stage and is noted within individual reports to Scrutiny, Cabinet and Council.

6. FINANCIAL IMPLICATIONS

- 6.1 There is a budget to fund the HAY Band A post as outlined in paragraph 4.10.
- 6.2 Additional costs will be incurred as a consequence of the suspension of the substantive post-holder. These can be met from Corporate Service surpluses for 2013/14.

7. PERSONNEL IMPLICATIONS

- 7.1 These are detailed throughout the report. There will be no impact on the positions of any substantive post-holders.

8. CONSULTATIONS

- 8.1 The consultees are listed below, all comments have been reflected in the report.

9. RECOMMENDATIONS

- 9.1 Cabinet consider the options as outlined in paragraph 4.5.1 and consider the approval of the preferred option (ii) i.e. "Return to the substantive post-holder's original portfolio, i.e. Head of Legal Services and Monitoring Officer, with a further review of the service areas. The review will be undertaken once an interim appointment has been made, and will take account options available across the Council."
- 9.2 Cabinet approve an advert for the post as detailed in 4.5(ii), as soon as possible, internally in the first instance and then externally if an appointment cannot be made.
- 9.3 Cabinet approve any backfilling of vacancies that will arise if an internal candidate is successful.
- 9.4 Cabinet approve the use of the Corporate Service projected surpluses for 2013/14 to fund the suspended salary costs of the substantive post-holder for 2014/15.

10. REASONS FOR THE RECOMMENDATIONS

- 10.1 To ensure that the appropriate action is taken to secure interim arrangements and the necessary capacity in respect of Legal Services and the role of the Monitoring Officer

11. STATUTORY POWER

Local Government Acts 1972 and 2000
Local Government and Housing Act 1989
Local Authorities (Standing Orders) (Wales) Regulations 2006

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