

Westmorland and Furness Shadow Authority Meeting

Date 28 September 2022

Title Appointment of the Chief Legal and Monitoring Officer and Director of Resources (s151 Officer)

Report from: Leader of the Council and Chair of the Senior Appointments Committee

Report Author: LGR Technical Lead, OD&HR Workstream

Wards: Wards

Key Decision: No

1.0 Purpose/Summary of report

1.1 At its meeting of 18 July, the Senior Appointments Committee, agreed the process and timeline for the recruitment to roles of Monitoring Officer and Chief Finance Officer (s151 Officer) for Westmorland and Furness Council. The interviews took place on 15 and 16 September and recommendations are made to the Shadow Authority for the recommended appointments to these roles.

1.2 This report provides detail on the process to appoint to these roles. Further details in relation to the recommended candidates in respect of each post will be circulated to members in a supplementary report. This is to enable the Interim Monitoring Officer to notify the members of the Shadow Authority Cabinet of the proposed appointment and to allow for a formal period for objection as required under the Constitution.

2.0 Recommendation

It is recommended that the Shadow Authority:-

- (1) Notes the process undertaken by the Senior Appointments Committee in respect of the recruitment to the roles of the Chief Legal and Monitoring Officer and Director of Resources;**

- (2) Notes that a supplementary report will be circulated to all Members of the Shadow Authority setting out the details of the recommended candidate for each post and recommended salary, once the period for formal objection by the Shadow Authority Cabinet has expired.**

3.0 Background and Proposals

- 3.1 The Structural Change Order requires that each Shadow Authority must before 31 December 2022 appoint a person to become, on and after that date, in the case of Westmorland and Furness Council, that Council's Monitoring Officer and Chief Finance (s151) Officer.
- 3.2 At its meeting on 18 July 2022, the Senior Appointments Committee agreed that the recruitment process and timeline for these roles.
- 3.3 Work has been undertaken by the Interim Head of Paid Service to develop the proposed senior structure for the new Westmorland and Furness Council and, subject to the outcome of consultation, it is proposed that these roles are titled Chief Legal and Monitoring Officer and Director of Resources (s151 Officer).
- 3.4 Following a review of benchmarking data and advice received from the LGA, the Senior Appointments Committee agreed an indicative salary range of £77,000 - £109,000 for the post of Chief Legal and Monitoring Officer to be used for the purposes of recruitment and, as a Director Level post, an indicative range of £120,000 - £140,000 for the role of Director of Resources and that a maximum of £8,000 be offered towards relocation costs if appropriate.
- 3.5 Subsequently, further work has been undertaken in developing the Senior Leadership Pay Policy, with advice received from our external partners Korn Ferry on the recommended salary ranges for posts at different levels within the proposed senior leadership structure. A separate paper will be presented to the Shadow Authority at its meeting of 28 September on recommended pay and key terms and conditions for the posts in the senior leadership structure, including those of Chief Legal and Monitoring Officer and Director of Resources (s151 Officer).

Recruitment Process

- 3.4 The Senior Appointments Committee agreed that the roles should be filled by an open competition process, with applications invited from external and internal candidates at the same time.

3.5 It was also agreed that the recruitment and selection process be managed by the LGR HR&OD Workstream, with support from the LGR Communications and Engagement Workstream, with specific support on Executive Search only, provided by commissioning an external recruitment partner. Following a competitive selection process, Penna were appointed to work with Westmorland and Furness Shadow Authority to support the executive search process as part of the recruitment and selection process.

3.5 The following recruitment process was followed:

- The roles were advertised through the sovereign council and shadow authority websites, in various publications and supported by an Executive Search Process, conducted by the external recruitment specialists, Penna, with a closing date of 1 September.
- The Shadow Senior Appointments Committee met on 5 September with the Interim Head of Paid Service and agreed a shortlist of candidates.
- These candidates were interviewed by a technical assessor and a representative from Penna on 7,8 and 9 September.
- Following the Technical Interviews and as agreed by the Senior Appointments Committee, the Interim Head of Paid Service, in consultation with the Chair and Vice Chair of the Senior Appointments Committee, agreed some candidates not to be invited to the final interviews.
- The final member panel interviews took place on 15 September for the Chief Legal and Monitoring Officer and on 16 September for the Director Resources (s151 Officer).

Recommendation

3.6 Members are asked to note the process undertaken by the Senior Appointments Committee in respect of the recruitment to the roles of the Chief Legal and Monitoring Officer and Director of Resources

3.7 Members are also asked to note that a supplementary report will be circulated to all members of the Shadow Authority setting out the details of the recommended candidate for each post and recommended salary, once the period for formal objection by the Shadow Authority Cabinet has expired.

4.0 Consultation

- 4.1 In accordance with the Officer Employment Procedure Rules contained in the Shadow Constitution for Westmorland and Furness, the following process has taken place in advance of the Shadow Authority Meeting following the decision of the Senior Appointments Committee on their proposed candidate for appointment.
- 4.2 The Interim Monitoring Officer has received details from the Committee of the name of the person and details relevant to the appointment. Each member of the Shadow Cabinet has been notified of the proposed appointee and provided a timeframe for the Leader to confirm to the Lead Officer for Human Resources whether the Shadow Cabinet has any objection to the making of the provisional offer of employment.
- 4.3 In terms of consultation with affected employees, a sub-group of the LGR Joint Negotiation & Consultation Group, which provides the formal framework for negotiation and consultation with the Trade Unions, is in place to inform and consult on senior appointment issues.

5.0 Alternative Options

- 5.1 The Shadow Authority could choose not to accept the recommendations made by the Senior Appointments Committee but this will risk Westmorland and Furness Council not meeting the requirements of the Structural Change Order to appoint to these roles on and after 31 December 2022.
- 5.2 If the Shadow Authority does not approve the recommendation of the Committee then under the provisions of the Officer Employment Procedure Rules it must indicate how it wishes to proceed.

6.0 Implications

Financial, Resources and Procurement

- 6.1 The revenue budgets for the Unitary Councils for 2023/24 will be approved by Full Council in February/ March 2023 and will ensure sufficient budget is provided for these roles.

Human Resources

- 6.2 Appointment to these roles in the structure for Westmorland and Furness Council may impact on existing roles that hold these statutory designations. If not appointed to one these roles,

employees will transfer over to either Cumberland Council or Westmorland and Furness Council under the provisions of TUPE and in accordance with the staff allocation process. Affected staff may potentially be at risk of redundancy after 1 April 2023. These issues will be consulted on with the appropriate Trade Unions through the LGR JNCG meetings framework.

Legal

- 6.3 The Cumbria (Structural Changes) Order 2022 provides at para 9 (3) (b) that each shadow authority must on and after 31st December 2022 appoint a person to become, on and after that date in the case of Westmorland and Furness Council that Council's Monitoring Officer and Chief Finance (Section 151) Officer.
 - 6.3.1 The Order further provides that the Interim Monitoring Officers and Section 151 Officers will cease to have their designation from 31 December 2022.
 - 6.3.2 The Senior Appointments Committee has the responsibility in the Westmorland and Furness Shadow Authority Constitution (Article 6.1 (b)) for:
 - undertaking the selection process for, and confirming the recommendation to the Shadow Authority for the appointment of, the permanent Monitoring Officer and section 151 Officer of the Westmorland and Furness Council before 31st December 2022 in accordance with the appropriate procedures set out in the Officer Employment Procedure Rules;
 - 6.3.3 It is a function of the full Shadow Authority to confirm the appointment of the Monitoring Officer and the Chief Finance Officer (Part 3 (4.1 (i))) based on the recommendation provided to it by the Senior Appointments Committee which will follow in a subsequent report.
- 6.4 Confirmation will be provided in the subsequent report that the objections procedure set out in the Officer Employment Procedure Rules has been complied with and that either there are no objections to the proposed appointments or any objections are not upheld before recommending the persons for appointment.[Part 4 (f) of the Constitution]
- 6.5 If the Shadow Authority approve the appointments, then formal offers of employment will be made to the named appointees following the meeting today.

Health and Sustainability Impact Assessment

- 6.4 Have you completed a Health and Sustainability Impact Assessment? No
- 6.5 If you have not completed an Impact Assessment, please explain your reasons: There are no direct health and sustainability issues relating to this report.

Equality and Diversity

- 6.6 Have you completed an Equality Impact Analysis? No
- 6.7 If you have not completed an Impact Analysis, please explain your reasons: There are no direct Equality and Diversity issues relating to this report.

Contact Officers:

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Background Documents Available

Name of Background document	
Minutes of the meeting of the Senior Appointments Committee of 18 July 2022	Senior Appt Ctt Minutes 18 July
Minutes of the meeting of the Senior Appointments Committee of 5 September	westmorlandandfurness.moderngov.co.uk/documents/g218/Printed%20minutes%2005th-Sep-2022%2013.30%20Shadow%20Senior%20Appointments%20Committee.pdf?T=1