

## **ITEM 6                      Head of Legal and Democratic Services**

Report of the Corporate Director (Portfolio: Corporate)

### **Recommended:**

- 1. That the Committee approves the appointment of an interim Head of Legal & Democratic Services and Monitoring Officer as set out in the report.**
- 2. That an Appointments Sub-Committee be set up in order to make the permanent appointment to the post of Head of Legal & Democratic Services in Spring 2017.**
- 3. That the Appointments Sub-Committee set up in accordance with Recommendation (2) above, be comprised of three members of the General Purposes Committee, to be nominated in the future by the Leaders of the Minority and Majority Groups who shall each nominate one member and two members respectively .**

### **SUMMARY:**

- A report setting out proposed interim arrangements for the Head of Legal & Democratic Services.

## **1 Introduction**

- 1.1 This report recommends the appointment of an Interim Head of Legal and Democratic Services to bridge the gap between the departure of the current postholder and the commencement of his successor.

## **2 Background**

- 2.1 Following the resignation of the current post holder, the Chief Executive and Corporate Director have considered what will be the most effective way to recruit to this vacancy. Historically the Council has found this post challenging to fill and so it is important to ensure that any recruitment exercise is as effective as possible in attracting suitable applicants.
- 2.2 The months immediately before and after Christmas are not considered to be the best time to undertake a recruitment campaign for this key appointment. It is therefore being recommended that a recruitment campaign be planned for Spring 2017.
- 2.3 However the post of Head of Legal and Democratic Services is one of the key roles in the Council. The post holder is both the Council's key legal advisor and the Council's Monitoring Officer, one of the statutory roles that the Council is required to appoint. Furthermore, the Legal Service is currently working at full capacity and will not be able to sustain the loss of a senior lawyer.

- 2.4 The post is particularly important in the context of the Council's Project Enterprise initiatives and key projects such as the leisure management contract.
- 2.5 It is therefore recommended that an appointment to the role is made on an interim basis, pending the appointment of a permanent successor to the current post holder.

### **3 Corporate Objectives and Priorities**

- 3.1 Section 5 of the Local Government and Housing Act 1989 requires the Council to appoint a suitably qualified officer to the role of Monitoring Officer. In accordance with the Council's Constitution, the post holder of Head of Legal and Democratic Services fulfils this statutory role.

### **4 Options**

- 4.1 The Chief Executive and current Head of Legal and Democratic Services have used their professional networks to identify suitable candidates who are available to undertake this role on a temporary basis.
- 4.2 A suitable candidate has been identified who is currently working on an interim basis for another Hampshire Council, where she is engaged to cover a broad range of local government legal work including both contentious and non-contentious matters. She has more than 10 years post qualification experience and, as a former partner in a Hampshire legal practice, she has considerable experience both as a lawyer and manager.
- 4.3 This candidate is recommended to be appointed on an interim basis for a period of ten months from 3 January 2017. This will allow for approximately one month handover from the current post holder which will be extremely beneficial given the current circumstances with key projects.
- 4.4 A Head of Service recruitment campaign will then be set up for Spring 2017. This will follow the usual process for a permanent appointment to a Head of Service post, including an interview panel comprised of members of the General Purposes Committee, Chief Executive and Corporate Director.
- 4.5 If an appointment can be made on a permanent basis following the recruitment campaign in the Spring, the successful applicant is likely to have a notice period of three months. Recruiting on an interim basis for ten months will provide cover for this scenario, enabling a further handover to the successful applicant. Given the challenges of filling this post it will also provide contingency in the event that the recruitment campaign is unsuccessful.

### **5 Resource Implications**

- 5.1 The interim appointment will be made to the post on the established grade and terms and conditions of employment for Heads of Service.
- 5.2 There will be a cost involved with any overlap between post holders, this will be accommodated within the Council's existing budget.

## 6 Legal Implications

- 6.1 During the initial one month overlap, the interim will not have the constitutional authority as Head of Legal and Democratic Services except under the current post holder's direction. She will commence her full role of interim Head of Legal and Democratic Services immediately following the current post holder's last working day.
- 6.2 The Council's Constitution vests the authority to formally appoint to a Head of Service post in the Council's General Purposes Committee. The proposed interim arrangements, pending that appointment, are therefore presented to this meeting of the General Purposes Committee for approval, pending the recruitment of a permanent post holder in the usual way.
- 6.3 This report recommends the establishment of an Appointments Sub-Committee of this Committee in order to make the permanent appointment in Spring 2017. Such a Sub-Committee will be comprised of three members of this Committee, to be nominated in the future by the Leaders of the Minority and Majority Groups who shall each nominate one member and two members respectively.

## 7 Conclusion

- 7.1 The committee is requested to approve the interim arrangements set out in this report in order to provide cover for the responsibilities of this key role between permanent post holders.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
None			
<u>Confidentiality</u> It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	0	File Ref:	
(Portfolio: Corporate) Councillor Phil North			
Officer:	Carol Moore	Ext:	8113
Report to:	General Purposes	Date:	21 December 2016