

EMPLOYMENT COMMITTEE	AGENDA ITEM No. 4
Date 19th September 2018	PUBLIC REPORT

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PROPOSAL FOR A SHARED DIRECTOR GOVERNANCE/MONITORING OFFICER AND PROCESS FOR APPOINTMENT

R E C O M M E N D A T I O N S	
FROM : Chief Executive	
Employment Committee are asked to:	
<ul style="list-style-type: none"> a. agree to a Shared Director of Governance and Legal Services and Monitoring Officer role and b. subject to approval of the sharing arrangement, agree the appointment process set out in this report to be followed. 	

1. ORIGIN OF REPORT

1.1 This report arises following a permanent vacant role existing within both Peterborough City Council (PCC) and Cambridgeshire County Council (CCC) and a proposal to share one joint role.

2. PURPOSE AND REASON FOR REPORT

2.1 This report is for the Committee to consider under its Terms of Reference:

- 2.3.2.5 - To consider, and recommend appropriate actions where necessary in response to, executive proposals relating to points (a) and (c) -
 - (a) changes within a Department's/Division's structure which involve substantial changes in the responsibilities of first and second tier posts; and
 - (c) other executive human resources matters.
- 2.3.2.6 To promote and pursue a policy of equal opportunities in employment

2.2 To set out a proposal and seek feedback to establish a shared post of Director of Governance for Peterborough and Cambridgeshire, and subject to agreement, to agree the recruitment process to be followed.

2.3 Following the agreement between PCC and CCC to share several senior roles across the senior and corporate leadership teams, these vacancies now offer an opportunity to consider a further shared post, and saving, to both authorities.

2.4 Sharing management or services is not an end in itself, but one of a number of means by which Councils can achieve their strategic ambitions.

2.5 The principles that have underlined all sharing considerations to date are as follows:

- Removing duplication of effort;
- Bringing together arrangements which are similar between both Councils to create added value;
- Exploiting expenditure that exists in both organisations;
- Creating a positive impact on key partners such as Health, Probation and Police by dealing with joint agendas of Peterborough and Cambridgeshire in single, rather than duplicate meetings;
- Creating career development opportunities for officers working across both and
- Utilising the expertise that already exists in both councils to best effect.

2.6 It is now proposed to create a further shared role across Peterborough and Cambridgeshire, specifically the Director of Governance & Legal Services.

2.7 The role of Monitoring Officer is a statutory appointment under the provisions of Section 5 of the Local Government and Housing Act 1989, which means that any appointment must be confirmed by Full Council of the employing organisation.

3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	NO	If Yes, date for relevant Cabinet Meeting	
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3.1 It is recommended that, if agreed, the role is advertised externally and internally simultaneously. CCC considered this proposal at their Staffing and Appeals Committee on 4th September. There was support for the role to be shared and a request to revise the job description to reflect the requirement for equal visibility at CCC and PCC.

3.2 If both Committees agreed to proceed, an advert would go live last week of September with a view to a Joint Committee interview process taking place in late October/early November.

4. BACKGROUND

4.1 In Peterborough, until 30 June 2017, the substantive postholder of the Director of Governance also held the delegated statutory Monitoring Officer role. From the 1st July 2017, she was seconded to the Combined Authority to take on their Monitoring Officer post full-time, and this has now become a permanent arrangement.

4.2 This has therefore left a full time, permanent vacant position within PCC. The role is currently being covered on an interim basis by Fiona McMillan via a contract arrangement through LGSS Law.

4.3 In Cambridgeshire, the role of Director Legal and Democratic Services, and Monitoring Officer function has been provided by the Executive Director of LGSS Law until recently. The role became part of LGSS in 2010, and subsequently in 2015 LGSS Law Ltd was formed.

4.2 The postholder left LGSS Law Ltd earlier this year and since then the Monitoring Officer role for CCC has been fulfilled by Fiona MCMillan.

5. PROPOSAL

5.1 It is proposed that the post would be recruited to and employed by Cambridgeshire.

5.2 The key areas of accountability that the post will hold are:

- Providing advice to Cabinet, Committees and Full Council and supporting meetings.

- Legal Services for Peterborough and Cambridgeshire Councils – commissioning legal and democratic services for Cambridgeshire from LGSS Law Ltd.
- Democratic and Constitutional Services (PCC).
- Scrutiny services (PCC).
- Members Services (PCC)
- Civic Office and Mayoral Support (PCC).
- School admission appeals, exclusion and transport appeals.
- Data Protection and Freedom of Information provision (PCC).

5.3 Democratic Services for CCC will remain part of LGSS.

6. Financial

6.1 The job description is attached as Appendix 1 and has been evaluated by CCC using CCC's Hay grading system, a similar scheme to that used within PCC, and the outcome is that the salary would sit on a scale between £93,399 and £104,736. The on costs would be approximately 25% in addition to this.

6.2 By way of an illustration, if an appointment is made to this role at £95,665 plus on costs of 25% (£114,798), the proposed new role would deliver a saving of approximately £70k for PCC and £12.5k for CCC.

7. Appointments Process

7.1 The previously tried and tested approach to recruiting shared posts will be adopted.

7.2 Interviews will take place on the same day and will be before members of both the Employment Committee of Peterborough City Council ('EC') and the Staffing and Appeals Committee of Cambridgeshire County Council ('SAC').

7.3 The normal requirements relating to quorum and political balance will apply to the EC and the SAC respectively.

7.4 Both the EC and the SAC will have an opportunity to ask questions and participate fully in the interview process.

7.5 At the conclusion of the interviews the EC and the SAC will jointly consider, in turn, the suitability of each candidate. The normal voting rules will apply to the EC and the SAC respectively.

7.6 Once the EC and SAC have both reached a decision as to suitability, the Chair of each Committee will confirm the decision of their respective Committees.

7.7 Where the EC and SAC are in agreement, the Committee of the employing Council will move to agree an appointment by majority vote. The committee of the other Council will move to endorse the agreement to enter into a shared arrangement in respect of that candidate.

7.8 If the EC and SAC reach conflicting decisions as to suitability, there will follow a period of collective deliberation amongst members of both the EC and SAC seeking advice and/or guidance from the shared Chief Executive.

7.9 If at the conclusion of the collective deliberations the EC and SAC are in agreement the same process of approval will be followed as set out above.

7.10 If the EC and SAC are unable to reach agreement, an appointment will not be approved or endorsed and consideration will be given as to next steps.

8. IMPLICATIONS

- 8.1 Financial - Both councils would meet 50% of the costs of the proposed role and therefore, depending on appointing salary, will afford a saving of approximately £70k for PCC and £12.5k for CCC.
- 8.2 Human Resources – Subject to approval, the interest of all parties will be protected by drawing up a sharing agreement.
- 8.3 Legal - Under section 113 of the Local Government Act 1972 a local authority is permitted to enter into an agreement with another local authority to place its officers at the disposal of the latter for the purposes of their functions. This is the section which governs these shared service proposals.

9 REASONS FOR RECOMMENDATIONS

- 9.1 The proposal set out builds on the arrangements already in place between Peterborough and Cambridgeshire and through the joint senior management arrangements.

10. BACKGROUND DOCUMENTS

- 10.1 In accordance with PCC's Constitution, Part 3 Delegations, Section 1.3.8 Functions Reserved to Council, *"to appoint "proper officers" for particular purposes including the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer"*, and subject to a candidate being appointable, PCC E.C. will be required to make a recommendation to Council for the appointment to the Monitoring Officer responsibilities.