

# Public Document Pack



**Service Director – Legal, Governance and  
Commissioning**

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Tuesday 31 October 2023

## Notice of Meeting

Dear Member

### Personnel Committee

The **Personnel Committee** will meet in the **Leadership Meeting Room, Civic Centre 3** at **2.00 pm** on **Wednesday 8 November 2023**.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read "Julie Muscroft".

**Julie Muscroft**

**Service Director – Legal, Governance and Commissioning**

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

## **The Personnel Committee members are:-**

### **Member**

Councillor Paul Davies  
Councillor Donald Firth  
Councillor David Hall  
Councillor John Lawson  
Councillor Viv Kendrick  
Councillor Jackie Ramsay  
Councillor Cathy Scott (Chair)  
Councillor John Taylor  
Councillor Graham Turner

When a Member of the Personnel Committee cannot attend the meeting, a member of the Substitutes Panel (below) may attend in their place in accordance with the provision of Council Procedure Rule 35(7).

### **Substitutes Panel**

#### **Conservative**

B Armer  
D Bellamy  
A Gregg  
R Smith  
M Thompson

#### **Labour**

B Addy  
A Anwar  
S Hall  
P Moore  
M Sokhal  
E Firth  
T Hawkins  
H Zaman

#### **Liberal Democrat**

PA Davies  
A Munro  
A Pinnock  
A Marchington  
A Smith



# Agenda

## Reports or Explanatory Notes Attached

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**Pages**

**1: Membership of the Committee**

To receive any apologies for absence, or details of substitutions to Committee membership.

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**2: Minutes of Previous Meeting**

1 - 2

To approve the Minutes of the Meeting of the Committee held on 26 June 2023.

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**3: Declaration of Interests**

Members will be asked to advise if there are any items on the Agenda in which they have a disclosable pecuniary interest, or any other interests, which may prevent them from participating in the discussion or vote on any of the items.

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**4: Admission of the Public**

Most agenda items will be considered in public session, however, it shall be advised whether the Committee will consider any matters in private, by virtue of the reports containing information which falls within a category of exempt information as contained at Schedule 12A of the Local Government Act 1972.

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**5: Public Question Time**

To receive any public questions.

In accordance with Council Procedure Rule 11, the period for the asking and answering of public questions shall not exceed 15 minutes.

Any questions must be submitted in writing at least three clear working days in advance of the meeting.

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## **6: Deputation/Petitions**

The Committee will receive any petitions and/or deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also submit a petition at the meeting relating to a matter on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10, Members of the Public must submit a deputation in writing, at least three clear working days in advance of the meeting and shall subsequently be notified if the deputation shall be heard. A maximum of four deputations shall be heard at any one meeting.

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## **7: Update on Senior Management Arrangements**

3 - 8

To consider the report.

Contact: Steve Mawson, Chief Executive

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Contact Officer: Andrea Woodside

## KIRKLEES COUNCIL

### PERSONNEL COMMITTEE

**Monday 26th June 2023**

Present: Councillor Shabir Pandor (Chair)  
Councillor Paul Davies  
Councillor Eric Firth  
Councillor Adam Gregg  
Councillor Naheed Mather  
Councillor David Hall  
Councillor John Lawson

Apologies: Councillor Cathy Scott  
Councillor Donald Firth

**1 Membership of the Committee**

Councillor Gregg substituted for Councillor Taylor.

Apologies for absence were received on behalf of Councillors D Firth and Scott.

**2 Minutes of Previous Meeting**

**RESOLVED** – That the Minutes of the Meeting held on 30 March 2023 were approved as a correct record.

**3 Interests**

No interests were declared.

**4 Admission of the Public**

It was noted that all agenda items would be considered in public session.

**5 Public Question Time**

No questions were received.

**6 Deputation/Petitions**

No deputations or petitions were submitted.

**7 Pay Policy Statement 2023/24 (Reference to Council)**

The Committee received the Pay Policy Statement 2023/2024, prior to its submission to Council on 12 July 2023. It was noted that the report was submitted in accordance with the requirements of Sections 38 to 43 of the Localism Act 2011, which required the Authority to produce a policy statement concerning the pay of the Authority's Chief Officers.

The Committee were advised that there was sufficient revenue budgetary provision within the approved budget for 2023/2024 to implement the pay policy statement.

**RESOLVED** – That the Annual Pay Policy Statement be noted and submitted to the meeting of Council on 12 July 2023.

**8 Planning Service - Workforce Issues**

The Committee received a report which provided an overview of current pressures and challenges facing Planning Services. The report reflected upon a national shortage of engineers and town planners which had resulted in competition amongst local authorities and the private sector to recruit and retain staff.

It was noted that rates of pay were a significant barrier to attracting and retaining experienced staff, particularly those in Grade 10 posts and above and that several vacancies were currently being actively managed to offset falling income. The report advised that customer satisfaction was low based upon the lengthy processing of applications, arising from the very high allocation of caseloads to Officers.

The report set out statistics in terms of current FTE posts, vacancies, leavers and new starters. It was noted that 28 new members of staff had been recruited within the last two years and that whilst the headcount was overall comparable, the periods of vacancies and the impact of recruiting inexperienced staff placed further strain on service provision.

The Committee were advised that an action plan for the service was being developed which included a broad range of actions required to support the effective delivery of planning services. The report set out a number of actions that were being developed to assist in responding to the challenges which included (i) staff retention payments (ii) governance reform (iii) the Local Plan review (iv) staff welfare provision and (v) attracting investment.

The Committee noted the report and discussion took place with regards to the partial success of the payment retention scheme, the implications of refunding of fees due to non-determination, the length of time taken to consider applications and the impact of the current level of vacancies upon service provision. It was noted that planning fees would be increasing this summer, with fees for minor applications increasing by 25% and fees for major applications increasing by a third.

**RESOLVED** –

- 1) That the report be noted.
- 2) That it be noted that Planning Services will continue to work with Workforce Strategy to explore opportunities to address ongoing challenges to recruitment and retention of staff.





**Name of meeting:** Personnel Committee

**Date:** 8 November 2023

**Title of report:** Update on Senior Management Arrangements

**Purpose of report:** To update Personnel Committee on pending changes to the senior management arrangements and to seek approval to convene associated recruitment panels

<p><b>Key Decision - Is it likely to result in spending or saving £500k or more, or to have a significant effect on two or more electoral wards? Decisions having a particularly significant effect on a single ward may also be treated as if they were key decisions.</b></p>	<p><b>Not Applicable</b></p>
<p><b>Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u>?</b></p>	<p><b>No</b></p>
<p><b>The Decision - Is it eligible for call in by Scrutiny?</b></p>	<p><b>No</b></p>
<p><b>Date signed off by <u>Strategic Director</u> &amp; name</b></p> <p><b>Is it also signed off by the Service Director for Finance?</b></p> <p><b>Is it also signed off by the Service Director for Legal Governance and Commissioning?</b></p>	<p><b>Steve Mawson – 26/10/23</b></p> <p><b>Isabel Brittain – 26/10/23</b></p> <p><b>Julie Muscroft – 26/10/23</b></p>
<p><b>Cabinet member <a href="#">portfolio</a></b></p>	<p><b>Cllr Cathy Scott, Leader of the Council</b></p>

**Electoral wards affected:** N/A

**Ward councillors consulted:** no

**Public or private:** public

**Has GDPR been considered?** yes

## 1. Summary

The purpose of the report is to receive an update from the Chief Executive on the senior management structure and to seek agreement to commence recruitment to Service Director for Finance (Section 151 Officer) and Service Director for Legal, Governance and Commissioning (Monitoring Officer). The report also seeks agreement to convene member appointment panels to recruit to the above roles.

## 2. Information required to take a decision

### Background

The statutory requirements of Chief Financial Officer and Monitoring Officer are fulfilled by Service Director - Finance (S151 Officer) and Service Director – Legal Governance and Commissioning (Monitoring Officer). These are critical statutory roles in the organisation. It is important that permanent appointments are made as soon as possible to bring stability and allow for effective transition and handover. The recruitment market for both of these statutory roles is known to be difficult.

### Service Director – Finance

In Kirklees Council, the role of Service Director - Finance is the designated Chief Finance Officer and S151 Officer.

- Section 151 of the Local Government Act 1972 requires every local authority to make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs.
- Chief Financial Officer is defined by Section 6 of the Local Government and Housing Act 1989 as the officer having responsibility for the purposes of Section 151 of the Local Government Act 1972 for the administration of the authority's financial affairs.
- Section 113 of the Local Government Finance Act 1988 imposes professional qualification requirements for officers having responsibility under Section 151 of the Local Government Act 1972 for the administration of an authority's financial affairs.

Following the announcement of the intended retirement of the Service Director – Finance, Personnel committee agreed (14 October 2022) to commence recruitment; the job was advertised and recruited to with the successful candidate starting in May 2023. The Service Director has since resigned and an interim arrangement is in place pending permanent recruitment. It is important to ensure stability in this statutory role; Personnel Committee are asked to agree to commence external recruitment to bring a permanent appointment as soon as possible.

## **Service Director – Legal, Governance and Commissioning**

In Kirklees Council the Service Director – Legal, Governance and Commissioning is designated to hold the statutory responsibility of Monitoring Officer.

- Under Section 5 of the Local Government and Housing Act, 1989 (as amended) the Council has a duty to appoint a Monitoring Officer. The Monitoring Officer is responsible for overseeing lawfulness issues. In particular, reporting to the Local Authority any proposal, decision or omission which he/she thinks would give rise to unlawfulness or if any decision has given rise to maladministration. The Monitoring Officer is also responsible for the formal reporting of any finding of maladministration by the Local Government Ombudsman. The duties of the Monitoring Officer are set out in Part 2 of the Council's Constitution.
- The Monitoring Officer therefore performs a key function ensuring lawfulness and fairness in the operation of the Council's decision making process including, investigating and reporting on issues that embrace all aspects of the Council's functions.
- The Monitoring Officer has a key role in promoting and maintaining high standards of conduct within the Local Authority. The Monitoring Officer cannot be Head of the Paid Service (the Chief Executive) or the Chief Financial Officer.
- Under Executive arrangements, the Monitoring Officer has a key role in providing advice on lawfulness issues, maladministration, financial impropriety, probity and policy framework and budget issues, to all Members of the Local Authority.

The Service Director – Legal, Governance and Commissioning (Monitoring Officer) has indicated their intention to retire early next municipal year.

Personnel Committee are asked to agree to commence recruitment as soon as practicable to allow contingency and sufficient handover periods.

### **3. Implications for the Council**

The implications for the Council are to ensure that the Council meets its statutory responsibilities in respect of the administration of the Council's affairs with appointments to Chief Finance Officer and Monitoring Officer.

#### **Working with People**

These are key statutory roles within the Council's management structure and the successful candidate will be expected to make a significant contribution to the delivery of these priorities.

### **Working with Partners**

These are key statutory roles within the Council's management structure and the successful candidate will be expected to make a significant contribution to the delivery of these priorities.

### **Place Based Working**

These are key statutory roles within the Council's management structure and the successful candidate will be expected to make a significant contribution to the delivery of these priorities.

### **Climate Change and Air Quality**

These are key statutory roles within the Council's management structure and the successful candidate will be expected to make a significant contribution to the delivery of these priorities.

### **Improving outcomes for children**

These are key statutory roles within the Council's management structure and the successful candidate will be expected to make a significant contribution to the delivery of these priorities

### **Financial Implications for the people living or working in Kirklees**

These are key statutory roles within the Council's management structure and the successful candidate will be expected to make a significant contribution to the delivery of these priorities

### **Other (eg Integrated Impact Assessment (IIA)/Legal/Financial or Human Resources) Consultees and their opinions**

Under the Council's Constitution, the responsibility for the appointment of these roles, sits with the Personnel Committee. The appointments should be compliant with the Council's Officer Employment Procedure Rules and the Recruitment and Selection Procedure. The appointment should be made on merit in accordance with section 7 Local Government and Housing Act 1989. There are no other specific human resources or financial implications other than those mentioned elsewhere in this report.

## **4. Consultation**

The recruitment process will involve elected members.

## **5. Engagement**

Internal and external stakeholders will be engaged in the recruitment processes.

## **6. Next steps and timelines**

Should Council approve the recommendation to progress recruitment to these roles, recruitment will commence as soon as practicable.

## **7. Officer recommendations**

It is recommended that this Committee agrees to:

- 1) Commence external recruitment to Service Director – Finance (Section 151 Officer) and Service Director – Legal, Governance and Commissioning (Monitoring Officer) which have statutory responsibilities to be carried out in accordance with the Council’s established and approved chief officer recruitment practices.
- 2) Convene Member Appointment Panels to recruit to the roles as set out in 1 above.

## **8. Cabinet Portfolio Holder’s recommendations**

N/A

## **9. Contact officer**

Steve Mawson – Chief Executive

## **10. Service Director responsible**

Steve Mawson – Chief Executive

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