

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

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.	Not Applicable
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u>?	No
The Decision - Is it eligible for call in by Scrutiny?	No
Date signed off by <u>Strategic Director</u> & name Is it also signed off by the Service Director for Finance? Is it also signed off by the Service Director for Legal Governance and Commissioning?	Steve Mawson – 26/10/23 Isabel Brittain – 26/10/23 Julie Muscroft – 26/10/23
Cabinet member portfolio	Cllr Cathy Scott, Leader of the Council

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