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**Council**

**15 October 2009**

Report of the Director of Resources

## **Appointments Committee for the Post of Head of Legal Services**

### **Summary**

1. This report seeks formal approval to establish an Appointments Committee for the post of Head of Legal Services and to delegate sufficient powers to that committee to enable it to conduct the recruitment process, select and appoint a candidate, subject to the requirements of the standing orders on appointment.
2. This post acts as the Statutory Monitoring Officer and also ensures that elected members and managers receive accurate and timely advice in the interpretation of the legal powers and duties within which the Council's services to its citizens and customers must be delivered. Hence even though as part of the More4York programme the senior management structure of the Council will be reviewed, it is felt that this post should be recruited to.

### **Background**

3. The Head of Legal Services has resigned from his post and will leave the Council on 31 October 2009. An Interim Head has been appointed to maintain continuity in the post until a permanent appointment has been made.
4. Standing Order 40 (c) (1) of the Council's Constitution requires that an Appointments Committee, including at least one member of the Executive, interviews all qualified applicants for Chief Officer posts or selects a shortlist of such applicants and interviews those on this shortlist.
5. It is requested that for the Head of Legal Services Appointments Committee, that the Committee be constituted on a 2:2:1 basis. This will mean that there will be two Liberal Democrat members, two Labour members and one Conservative member.

## Consultation

6. Consultation has taken place with the Corporate Management Team as to the need for this appointment. It is requested that the three largest political groups now nominate members to participate in the Appointments Committee,

## Options

7. Clearly given the financial situation facing the Council, and the More for York programme, the decision to consider replacing any senior officer post needs to be taken with care. In this case the post is the Statutory monitoring officer, but also provides leadership in legal and democratic services. The other options to not filling the post would be to redesignate the duties across other employees, or to consider part time position. In both cases it is felt that this would lead to significant risk.

## Corporate Priorities

8. Making an appointment to this post will contribute to delivering the Corporate Strategy by supporting the Council's values and all of the improvement statements.

## Implications

9. The following implications have been considered:
  - **Financial** – The Chief Executive Directorate will bear the cost of this post within current resources. There could potentially be some budget pressure in the next financial year dependent upon the duration of the current interim arrangements.
  - **Human Resources (HR)** – The job description for the Head of Legal Services has been subject to the Council's established job evaluation mechanism and a grade of Assistant Director has been confirmed for the post. The Appointments Committee is in line with the constitutional requirements for the recruitment and appointment of Chief Officers. The appointment will be carried out in accordance with the Chief Officer recruitment protocol attached (Annex A).
  - **Equalities** - There are no equalities implications.
  - **Legal** – The Appointments Committee is created pursuant to S.102 (c) of the local Government Act 1972 and its terms of reference are to exercise the functions of the Council in relation to the selection and appointment of the successful applicant in respect of the vacant post Head of Legal Services. The proceedings of the Appointments Committee are likely to be held mainly in exempt session due to the nature of the information that it will be considering.

In circumstances where the appointing committee agrees, without any member voting against, S.17 of the Local Government & Housing Act 1989 provides that the distribution of seats on a sub-committee need not comply with the political balance requirements contained in Part 1 of that Act.

The process of appointing officers of this level is regulated by the Local Authority (Standing Orders) (England) Regulations 2001. Amongst other things, these regulations require that an appointment committee must include at least one member of the Executive and further, that no formal offer of appointment may be made until all members of the Executive have been informed of the details of the intended appointee, and have raised no objection within the specified period, (usually 5 clear days).

- **Crime and Disorder** – There are not crime and disorder implications.
- **Information Technology (IT)** – There are no IT implications.
- **Property** – There are no property implications.
- **Other** – There are not other implications.

### **Risk Management**

10. There are no known risks associated with the recommendations of this report.

### **Recommendations**

11. It is recommended that Council:
  - i.* Establishes an Appointments Committee consisting of five members, two from Liberal Democrat, two from Labour and one Conservative, as follows:
  - ii.* The Appointments Committee be authorised to conduct the final interviews, select a successful candidate and make an offer of employment subject to the necessary employment procedures.

Reason: To allow appointment to the post of Head of Legal Services to be made.

## Contact Details

**Author:**

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**Chief Officer Responsible for the report:**

Ian Floyd  
Director of Resources

Report Approved

Date *Insert Date*

**Specialist Implications Officer(s)**

Human Resources: Angela Wilkinson, Head of HR & OD  
Finance: Ian Floyd Director of Resources

**Wards Affected:**

All

For further information please contact the author of the report

**Background Papers:**

None.

**Annexes:**

Annex A - Chief Officer recruitment protocol