

Report of the Chief Operating Officer

Appointment of Director of Governance and Monitoring officer

Summary

1. This report requests the approval to permanently recruit to the Director of Governance and Monitoring Officer post ahead of the current post holder vacating the role early September 2022.
2. Formal approval is also sought to establish an Appointments Sub Committee for this Chief Officer appointment and to delegate sufficient powers to that Sub-Committee to enable them to conduct the recruitment process, select and appoint a candidate, subject to the requirements of the Council's Constitution (***Appendix 12 details the Officer Employment Procedure Rules – paragraph 5***).
3. It should be noted that subject to the appointment of the new postholder and the length of notice the officer is required to fulfil, the Chief Operating Officer will make a decision to appoint an interim Director to ensure that this Statutory role is undertaken in line with the Council's Statutory duties.

Background

4. It is proposed that the recruitment process replaces this Statutory post on a like for like basis in terms of grade, portfolio scope, role and responsibilities as per the agreed restructure implemented in March 2019 and in line with the Council's Constitution.

Remuneration Package

5. The post is covered by Chief Officer Terms and Conditions.
6. The Committee is asked to confirm the pay package for this post which will be offered to the successful applicant. The salary is currently set at £91,383 to £101,318, however, it is pending a 2022 pay award which is negotiated by collective bargaining processes by the National Employers and National Trade Unions.

7. If appropriate, the successful applicant would be able to access the Council's relocation scheme.

Appointments Panel

8. The Council's Constitution allows for an Appointments Sub Committee for Chief Officer posts of no less than three elected members, including at least one member of the Executive (***Council Constitution Article 11 paragraph 3.5***).
9. Members are requested to consider and confirm panel nomination names and a Chair of the recruitment to progress. It is anticipated that the members appointment panel will take place in August following an assessment day held by officers which may be held over a number of days to accommodate applicants leave commitments.

Council Plan

10. Making an appointment to this post will contribute to delivering the Council Plan and its priorities.

Implications

Financial Implications

11. The Director post is within the pay range of £91,383 to £101,318, pending a 2022 pay award. The total cost, including on costs, is £117,788 to £130,738. The recruitment costs will be approximately £5500 to £6000 which includes the cost of advertising on professional legal / recruitment social media platforms. The cost of this post, and the associated recruitment costs, will be managed within existing departmental budgets.

Human Resources Implications

12. The slightly revised job description has been confirmed via job evaluation to remain within the Director profiles. 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 as outlined in the Council's Constitution.

Equalities Implications

13. There are no known Equalities issues.

Legal Implications

14. All Chief Officer posts are politically restricted pursuant to the Local Government and Housing Act 1989.

It is the statutory responsibility of the Head of Paid Service to ensure that a structure is in place which can effectively and efficiently discharge the council's differing functions and to determine the organisation of the authority's staff alongside their proper appointment and management.

The process of appointing Chief Officers 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).

In respect of appointment to Chief Officer posts, the Council is required to comply with the Officer employment procedures as outlined in the council's Constitution.

Crime and Disorder, Information Technology and Property

15. There are no known crime and disorder, information and technology and property risks.

Risk Management

16. There are no known risks associated with the recommendations in the report other than the potential risk to delivery of services if the committee either fails to or delays setting up an Appointments Sub Committee for the recruitment of this post.

Recommendations

17. Staffing Matters and Urgency Committee are invited to:

- a. Approve the filling of this post and remuneration package for the Director post with a salary range of £91,383 to £101,318, in accordance with the procedural rules set out in the constitution for the appointment of chief officers (**paragraphs 1 to 2 and 6**).

- b. Establish an Appointments Sub-Committee consisting of three members to include at least one member of the Executive (**paragraphs 2, 8 and 9**).
- c. Note that pending the formal acceptance and start date of the successful applicant, interim arrangements will be made to ensure that this Statutory role is fulfilled in accordance with Regulations and the Council's constitution (**paragraph 3**)

Reasons: To allow the timely appointment of the post of Director of Governance and Monitoring Officer in line with the council's constitution and relevant legislation

Contact Details

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Chief Officer Responsible for the report:

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Chief Operating Officer

**Report
Approved**

Date 29/6/2022

Specialist Implications Officer(s):

Janie Berry - Director of Governance and Monitoring Officer
Debbie Mitchell – Chief Finance Officer and s151 Officer

Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Background Papers:

There are no background papers however reference to the Council Constitution is available here <https://data.yorkopendata.org/dataset/cyc-s-constitution-live-link>