

# CYNGOR

28 CHWEFROR 2024

## RECRIWTIO I SWYDD PENNAETH Y GYFRAITH, LLYWODRAETHU, A GWASANAETHAU SIFIL (A SWYDDOG MONITRO)

**Pwrpas:** ceisio cymeradwyaeth y Cyngor Sir.

**Yr Argymhellion / Penderfyniadau allweddol sydd eu hangen:**

- Mae'r Cyngor Sir yn cymeradwyo'r Proffil Swydd amgaeedig a'r Fanyleb Person.
- Mae'r Cyngor Sir yn cymeradwyo'r trefniadau interim arfaethedig gael eu gweithredu, yn dilyn ymarfer mynegi diddordeb i fod yn weithredol hyd nes y bydd Pennaeth y Gyfraith, Llywodraethu a Gwasanaethau Sifil (a'r Swyddog Monitro) newydd yn ymgymryd â'u swydd.
- Mae'r Cyngor Sir yn nodi, unwaith y bydd y Pwyllgor Penodiadau 'B' wedi'i gynnull i benodi Pennaeth y Gyfraith, Llywodraethu a Gwasanaethau Sifil newydd, y dylid dod ag adroddiad pellach yn ôl i gyfarfod o'r Cyngor Sir yn y dyfodol i nodi'r penodiad, ac i'r Cyngor Sir ddynodi'r penodai newydd yn Swyddog Monitro'r Cyngor yn unol ag Adran 5 o Ddeddf Llywodraeth Leol a Thai 1989.

**Rhesymau:**

- Cydymffurfio â Chyfansoddiad yr Awdurdod, a chydymffurfio â'r diwygiadau i Reoliadau Awdurdodau Lleol (Rheolau Sefydlog)(Cymru) (Diwygio) 2014, fel y nodir yn yr adroddiad cryno amgaeedig.
- Sicrhau bod gan y Cyngor Swyddog Monitro ar waith i gwmpasu'r rolau statudol a chyfansoddiadol fel y nodir yn Erthygl 9 o Gyfansoddiad y Cyngor

**Angen i'r Cabinet wneud penderfyniad – Na**  
**Angen i'r Cyngor wneud penderfyniad - Oes**

**Aelod y Cabinet sy'n gyfrifol am y Portffolio:** Cyng. Philip Hughes ( Adnoddau Dynol))

<b>Y Gyfarwyddiaeth:</b> Prif Weithredwr	<b>Swydd:</b>	<b>Rhif Ffôn / Cyfeiriad E-Bost:</b>
<b>Enw Pennaeth y Gwasanaeth:</b> Paul Thomas	Prif Weithredwr Cynorthwyol (Rheoli Pobl a Pherfformiad)	01267 2246123 <a href="mailto:prthomas@sirgar.gov.uk">prthomas@sirgar.gov.uk</a>
<b>Awdur yr Adroddiad:</b> Paul Thomas		

# EXECUTIVE SUMMARY

**COUNTY COUNCIL  
28 FEBRUARY 2024**

## **RECRUITMENT TO THE POST OF POST OF HEAD OF LAW, GOVERNANCE AND CIVIL SERVICES (AND MONITORING OFFICER).**

### **Background**

The current Head of Administration & Law, (including the role of Monitoring Officer) will be leaving the Council with effect from 1<sup>st</sup> June 2024. The Council therefore needs to designate an Interim Monitoring Officer to discharge this statutory role until the conclusion of the appointments process which is currently underway, and the new Head of Law, Governance and Civil Services is in post.

Discussions have been held between the Chief Executive, Corporate Management Team colleagues and Cabinet members, to consider the way forward for the service, with a view to ensuring that this important post is fit for the future, as well as helping to deliver savings to the Authority.

With a view to reduce the number of direct reports to the Chief Executive, it is proposed the Electoral and Registration Service will now report to the Head of Law, Governance and Civil Services (and Monitoring Officer). This will achieve a number of advantages to include maximising the synergies of services as well as helping reduce the number of direct reports to the Chief Executive, and creating a more manageable, balanced, and equitable portfolio.

These amended duties are included in the attached revised Job Profile. The supporting staffing structures below this post will then be realigned to provide the support required once the new Head of Service is appointed.

The appointment to a Chief Officer post where the salary is £100,000 or more, is governed by the Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014. This is reflected in the Authority's Pay Policy for 2023/24. Under the 2014 Regulations, where an authority proposes to appoint a chief officer and it is proposed to pay the chief officer annual remuneration of £100,000 or more, the post must be publicly advertised. The only exception to this requirement is where annual remuneration for a chief officer role is £100,000 or more and the proposed appointment is to be made for a period of no longer than 12 months. This exception will be useful in emergencies or if there were unforeseen departures. The requirement for public advertisement is intended to ensure that able candidates from outside the organisation have the opportunity to gain the position if found to be the most suitable.

The Regulations require that a "relevant body" i.e. the County Council:

(a) “draw up a statement specifying— (i) the duties of the officer concerned, and (ii) any qualifications or qualities to be sought in the person to be appointed.

(b) make arrangements for the post to be publicly advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

(c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.”

### **Monitoring Officer**

The Council has a statutory duty to designate one of its officers as the Monitoring Officer (pursuant to section 5 of the Local Government and Housing Act 1989, ‘the 1989 Act’) and must provide its Monitoring Officer with sufficient staff, accommodation, and other resources to allow the duties of this role to be performed, and previously, the Council has designated this role to the Head of Administration and Law.

The requirement to designate a Monitoring Officer and the statutory functions of the post are set out in Article 11 of the Constitution. Appendix B below sets out the functions of the Monitoring Officer.

The recommendations of this report seek to ensure that responsibility for these matters is allocated appropriately, so that during the transitional period until the new Head of Law, Governance and Civil Services (and Monitoring Officer) takes up the post, the Council can continue to effectively discharge its functions.

### **Temporary Acting-Up arrangements:**

The recruitment to the post of Head of Law, Governance and Civil Services (and Monitoring Officer) is unlikely to be completed prior to the departure of the current incumbent, so interim arrangements will be required.

It is therefore recommended, following the endorsement of this report by County Council, that an internal expressions of interest exercise be undertaken to seek applications from legally qualified individuals who have a practicing certificate and relevant experience.

### **Proposed Timetable:**

28<sup>th</sup> February 2024: County Council to agree Job Profile - requirement of the Standing Orders Regulations (Wales)

7<sup>th</sup> March – 7<sup>th</sup> April 2024: Advertise post

16<sup>th</sup> April 2024: Shortlisting Panel

20<sup>th</sup> May 2024: Assessment Centre

29<sup>th</sup> May 2024: Appointments Panel ‘B’

12<sup>th</sup> June 2024: Report to County Council to appoint the Monitoring Officer

### **Recommendations:**

It is recommended that County Council:

1. Approves the enclosed Job Profile and Person Specification

2. Approves the proposed interim arrangements be implemented, following an expressions of interest exercise to be operational until such time as the new Head of Law, Governance and Civil Services (and Monitoring Officer) takes up their position.
3. Notes that, once the appointments Committee 'B' has been convened to appoint a new Head of Law, Governance and Civil Services, that a further report be brought back to a future meeting of County Council to note the appointment, and for County Council to designate the new appointee as the Council's Monitoring Officer pursuant to Section 5 of the Local Government and Housing Act 1989.

**DETAILED REPORT ATTACHED?**

**Appendices attached:**

**Appendix A:** Job Profile and Personal Specification for Head of Law, Governance and Civil Services (and Monitoring Officer).

**Appendix B:** Constitutional responsibilities of the Monitoring Officer.

# IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: Paul R Thomas, Assistant Chief Executive (People Management)

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets	Bio-diversity & Climate Change
YES	YES	YES	NONE	YES	YES	NONE	NONE

## Policy, Crime & Disorder and Equalities

In accordance with the Council's Constitution and Policy Framework.

## Legal

As above, and also in accordance with the revisions to the Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014.

## Finance

The salary for the Head of Governance & Law is in accordance with the County Council's agreed 23/24 Pay Policy Statement and is within the current budgeted salary. Any net costs of the recruitment process and interim arrangements will be met from departmental reserves

## Risk Management

Failure to make provision to discharge the functions contained within this role, efficiently and effectively would place the authority at risk. This is a Statutory post.

## Staffing Implications

In accordance with the Council's Constitution and Policy Framework.

# CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below:

Signed: Paul R Thomas, Assistant Chief Executive (People Management)

1. Scrutiny Committee request for pre-determination

N/A

2. County Council
3. Corporate Management
4. Local Member(s) - N/A
5. Community / Town Council - N/A
6. Relevant Partners - N/A
7. Staff Side Representatives and other Organisations - N/A

**CABINET MEMBER PORTFOLIO  
HOLDER AWARE/CONSULTED**

Yes

**Section 100D Local Government Act, 1972 – Access to Information  
List of Background Papers used in the preparation of this report:**

**THERE ARE NONE**