

APPOINTMENTS PANEL AGENDA



Monday 8 October 2018

at 4.30pm

**(or immediately following the completion of the previous Public Health
Appointments Panel meeting whichever is the later)**

in Committee Room C, Civic Centre, Hartlepool

MEMBERS: APPOINTMENTS PANEL:

Councillors C Akers-Belcher, Barclay, Black, Cook, Cranney, James, Loynes and
Tennant

- 1. APOLOGIES FOR ABSENCE**
- 2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
- 3. ITEMS REQUIRING DECISION**
 - 3.1 Legal Services Restructure – *Chief Executive*
- 4. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT**



APPOINTMENTS PANEL

8th October 2018



Report of: CHIEF EXECUTIVE

Subject: LEGAL SERVICES RESTRUCTURE

1. TYPE OF DECISION/APPLICABLE CATEGORY

Non-key decision.

2. PURPOSE OF REPORT

- 2.1 To enable the Appointments Panel to consider the recommendations referred from the Finance and Policy Committee in respect of the Chief Officer structure of the Council's Legal Services Division.

3. PROPOSAL REFERRED FROM FINANCE AND POLICY COMMITTEE

- 3.1 As Members are aware, the Chief Solicitor left the authority in March 2018. In order to maintain the service and ensure the statutory functions of the post were maintained, interim arrangements were put in place with effect from the 1st April 2018.
- 3.2 Since the interim arrangements were put in place, a review of the capacity and operational resilience of the service has been carried out and these details were reported to Finance and Policy Committee on 8th October 2018. A copy of this report is attached at Appendix A and Appendix B – which **contains exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely, (para 1 & 2).**
- 3.3 On the basis that the Finance and Policy Committee approves the recommendation detailed in Appendices A and B it is recommended that the Appointments Panel approves the recommendations detailed in Appendix B.

4. RECOMMENDATIONS

- 4.1 That the Appointments Panel approves the recommendations referred from the Finance and Policy Committee detailed in Appendix B – which **contains exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely, (para 1 & 2).**

5. REASONS FOR RECOMMENDATIONS

- 5.1 To enable appointments to be made to senior management positions within the Legal Services division to ensure resilience and maintain a professional and effective service to the Council.

6. BACKGROUND PAPERS

- 6.1 Council minutes of the meeting held on the 15th March 2018.

7. CONTACT OFFICERS

Gill Alexander
Chief Executive
01429 523001

Appendix A

FINANCE AND POLICY COMMITTEE

8th October 2018



Report of: CHIEF EXECUTIVE

Subject: LEGAL SERVICES RESTRUCTURE

1. TYPE OF DECISION/APPLICABLE CATEGORY

Non-key decision.

2. PURPOSE OF REPORT

- 2.1 This report is to make recommendations to Finance and Policy Committee in respect of the Chief Officer structure of the Council's Legal Services Division.

3. BACKGROUND

- 3.1 As Members are aware, the Chief Solicitor left the authority in March 2018. In order to maintain the service and ensure the statutory functions of the post were maintained, interim arrangements were put in place with effect from the 1st April 2018.
- 3.2 Since the interim arrangements were put in place, a review of the capacity and operational resilience of the service has been carried out. The remainder of this report sets out my findings and recommendations for permanent arrangements to be put in place.

4. PROPOSALS

4.1 Current Structure

- 4.2 Currently the Chief Solicitor leads the division, reporting directly to the Chief Executive. Below the Chief Solicitor are two Band 15 posts namely the Head of Legal Services (People) and Head of Legal Services (Place).

4.3 Proposed Structure

4.4 The direct reporting line of the Chief Solicitor to the Chief Executive line is key (in the same manner as it is for other statutory posts in the Council) and no change is proposed to this arrangement.

4.5 It has however been identified that whilst the interim arrangements operated since April 2018 have provided an appropriate legal services to the Council on a temporary basis this has only been achieved owing to the skills and commitment of existing staff. This current interim arrangement is not sustainable and it has become apparent that the current structure does not work effectively, or provide the senior management resilience required to operate safe and effective legal services across the breadth of activities of a unitary authority. The proposals to address these concerns are set out in Appendix 1 in the exempt section of this report. **This item contains exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely, (para 1 & 2)**

5. RISK IMPLICATIONS

5.1 It should be noted that with any change in structure there is a potential risk to service delivery and in respect of organisational knowledge. The proposal I have recommended to Committee is my best advice for the overall structure of the Division.

6. FINANCIAL CONSIDERATIONS

6.1 The initial proposals have a lower cost than the existing structure. It is recommended that these resources are earmarked pending completion of a review of the structure requirements below the Chief Officer level to ensure the Council has a properly resourced Legal Services function.

7. LEGAL CONSIDERATIONS

7.1 The Chief Solicitor is the Council's Monitoring Officer, which is a statutory appointment pursuant to section 5 of the Local Government and Housing Act 1989 (the Act). The Act also requires the Council to provide the Monitoring officer 'with such staff, accommodation and other resources' as are required to discharge their statutory duties and the proposals in this report are designed to achieve this objective

7.2 The Monitoring Officer's statutory duties under section 5 can be summarised as being a duty to support the Council, its committees or subcommittees or anyone employed by the Council to ensure all decision are legal and would not to constitute maladministration. In circumstances where the Monitoring Officer is the opinion that any proposal, decision or omission may be illegal or constitute maladministration they are required under section 5 to report this issue to full Council.

- 7.3 The Monitoring Officer also has a range of functions relating to the conduct of councillors including the provision of advice and investigation of complaints in to Member conduct.

8. CONSULTATION

- 8.1 The Hartlepool Joint Trade Unions Committee (HJTUC) have been provided with a copy of this report and asked for written comments in advance of your meeting which will be circulated as soon as possible after they are received.
- 8.2 All affected Officers have been provided with a copy of this report. Comments and any revised recommendations arising from those comments will be presented at the Finance and Policy Committee meeting.

9. CHILD AND FAMILY POVERTY (IMPACT ASSESSMENT FORM TO BE COMPLETED AS APPROPRIATE.)

- 9.1 There are no direct impacts on Child and Family Poverty.

10. EQUALITY AND DIVERSITY CONSIDERATIONS (IMPACT ASSESSMENT FORM TO BE COMPLETED AS APPROPRIATE.)

- 10.1 None

11. STAFF CONSIDERATIONS

- 11.1 Staffing considerations are set out within the report.

12. ASSET MANAGEMENT CONSIDERATIONS

- 12.1 There are no asset management considerations.

13. RECOMMENDATIONS

- 13.1 That Finance and Policy Committee:

(i) Approve the proposed structure of the Legal Services Division and the deletion of the posts identified in the Not for Publication element of this report.

(ii) Approve the new post and grading set out in the Not for Publication element of this report.

(iii) Recommends that a meeting of the Appointments Panel be convened to consider the recommendation of this Committee detailed in section 6 of the Not for Publication element of this report.

14. REASONS FOR RECOMMENDATIONS

- 14.1 To ensure senior management resilience to operate and maintain a professional and effective service to the Council.

15. BACKGROUND PAPERS

- 15.1 Council minutes of the meeting held on the 15th March 2018.

16. CONTACT OFFICERS

Gill Alexander
Chief Executive
01429 523001