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Agenda Supplement

Dear Councillor

EXTRAORDINARY COUNCIL - WEDNESDAY, 18TH SEPTEMBER, 2019

I am now able to enclose, for consideration at next Wednesday, 18th September, 2019 meeting of the Extraordinary Council, the following reports that were unavailable when the agenda was printed.

Agenda No	Item
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| 3. | <u>Appointment of Chief Executive and Interim Head of Legal/Monitoring Officer</u>
(Pages 3 - 8) |
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Yours sincerely



Interim Chief Executive

Encs

Agenda Item 3

Committee(s): Extra Ordinary Council	Date: 18 th September 2019
Subject: Appointments of Statutory Officers	Wards Affected: All
Report of: Steve Summers, Interim Chief Executive	Public
Report Author/s: Name: Steve Summers, Interim Chief Executive Telephone: 01277 312500 E-mail: steve.summers@brentwood.gov.uk	For Decision

Summary

At the Ordinary Council on 26 June 2019, Min 83 refers, it was agreed to proceed with the recruitment of a Full time Chief Executive and Head of Paid Service, and Returning Officer.

Following this the Council engaged the services of a specialised local authority employment company, Penna, to undertake the recruitment of a Chief Executive and Head of Paid Service.

The recruitment process included the candidates undertaking technical interviews on the 13th August and being interviewed by a Stakeholder Panel and the Councils Staff Appointments Committee on the 3rd September 2019.

The Stakeholder Panel consisted of a Chief Executive from another Essex Local Authority, the Deputy Police, Fire and Crime Commissioner and representatives from Citizens Advice Bureau and Morgan Sindall.

The Staff Appointments Committee consisted of Cllrs Aspinell, G Barrett, S Cloke, Fryd, Hossack, Kerslake, Nolan, Poppy and Sanders.

Following these interviews, the Staff Appointments Committee have made the recommendation as set out in within the report.

In addition, following the June meeting, the Head of Legal Services and Monitoring Officer, Daniel Toohey, left the Council on the 31st August 2019.

As the Head of Legal Services and Monitoring Officer role is now vacant, the Leader wishes to proceed recruitment for a full-time position. The recruitment process will be carried out in accordance with statutory requirements for the recruitment of the Monitoring Officer again using the services of the specialised local authority company, Penna.

Pending the recruitment of a Head of Legal Services and Monitoring Officer, it is recommended that Paula Harvey acts as Interim Head of Legal Services and the statutory position of Monitoring Officer.

Recommendation(s)

Members are asked to:

Upon the recommendation of the Staff Appointments Committee, It is recommended:

- R1 Extraordinary Council approve the appointments of Jonathan Stephenson as Full time Chief Executive and Head of Paid Service and Returning Officer.**
- R2 Approve the appointment of Paula Harvey as Interim Head of Legal Services and Monitoring Officer with effect from the 1st September 2019.**
- R3 That Officers undertake a recruitment process for the role of Head of Legal Services and Monitoring Officer in accordance with statutory requirements.**

Main Report

Introduction and Background

1. At the Ordinary Council on 26 June 2019 it was agreed to proceed with the recruitment of a Full time Chief Executive and Head of Paid Service, which includes the role of Returning Officer.

Issue, Options and Analysis of Options

2. Following approval at the June Ordinary Council an external recruitment process was carried out and Jonathan Stephenson is recommended by the Staff Appointments Committee as the successful candidate for the position.
3. It is recommended that Staff Appointment Committee agree to recommend that full Council approve the appointment of Jonathan Stephenson as Full time Chief Executive and Head of Paid Service, which includes the role of Returning Officer in accordance with the Council's Constitution.
4. Since the June Council, the current Head of Legal Services and Monitoring Officer, Daniel Toohey has left the Council on the 31st August 2019.
5. Pending the recruitment of the Head of Legal Services and Monitoring Officer, it is recommended that Paula Harvey acts as Interim Head of Legal Services and

Monitoring Officer with effect from the 1st September 2019. The Monitoring Officer may appoint such deputies as necessary for the conduct of the duties provided by the Acts.

Reasons for Recommendation

6. The Council has a statutory duty under Section 4 of the Local Government and Housing Act 1989 to designate one of its officers as its Head of Paid Service to discharge functions relating to the organisation and management of staff.
7. The Council is required by Section 5 of the Local Government and Housing Act 1989 to designate one of its officers as its Monitoring Officer, to discharge statutory responsibilities relating to the Council's Constitution and arrangements for effective governance. The appointment must be approved by full Council following a recommendation by the Staff Appointments Committee.

Consultation

8. Group Leaders have been consulted on behalf of all Members.

References to Corporate Plan

9. The Vision for Brentwood requires suitably qualified Statutory Chief Officers.

Implications

Financial Implications

Name & Title: Jacqueline Van Mellaerts, Interim Chief Finance Officer
Tel & Email 01277 312829/jacqueline.vanmellaerts@brentwood.gov.uk

10. The cost of the senior management structure which is included in the Current Budget for 2019/20 is £461k. This includes £239k of secondment income from SAIL for Executive Director of Commercial Services and 0.8FTE of Head of legal and Monitoring Officer.
11. The forecasted cost of the structure for 2019/20 of the proposed structure is approximately £580k including the secondment income from SAIL. This forecast assumes the Chief Executive begins 1st December 2019 at a salary of £125,000.

12. The total forecast also includes the increase in costs for the new Director of Housing and Enforcement that was noted by members at Ordinary Council on 26th June 2019. The has been recruited to and is currently for a 6-month secondment.
13. The Head of legal and Monitoring Officer departed the Council on 31st August 2018. 0.8 of this posts time was a secondment as Vice President – Partnerships & Legal to Seven Arches Investment Limited. Therefore, the forecast income from SAIL has decreased in line with the secondment end date.
14. It is envisaged the Head of Legal and Monitoring Officer post will be a full-time resource requirement for the Council. Therefore, increasing the annualised cost of the post by 0.8 FTE compared to the current budget. For 2019/20 this is an annual increase of £80k.
15. Seven Arches Investment Limited will seek alternative providers and resources for legal advice now the secondment has come to an end.
16. The annualised cost of the management structure to be included into the budget for 2020/21 is approximately £693k. This excludes the Director of Housing and Enforcement post due to it currently being for a 6-month secondment. If the post was to become part of the permanent structure then, the cost of the Senior Management would be £775k.
17. There is no performance related pay associated with the Chief Executive role.
18. The current structure proposed will cause a budget pressure for 2020/21 £108k. The current budget built into the Medium-Term Financial Plan for 20/21 was £667k.
19. The budget pressure does not include any further charges to SAIL for Senior Officer Services or an increase in recharges to Housing Revenue Account (HRA) for Senior Officer time. Therefore, this pressure will not solely be bore by the General Fund.
20. Figures quoted include on costs of National Insurance and Employer Pension contributions that average at 31% on top of the quoted salary.

21. This structure will be kept under reviewed and monitored by Senior Officers and reported appropriately to Policy, Resources and Economic Development Committee.

Legal Implications

Name & Title: Paula Harvey, Corporate Governance Solicitor & Deputy Monitoring Officer

Tel & Email 01277 312860/paula.harvey@brentwood.gov.uk

22. The recommendations within this report are lawful and within the Council's powers and duties. The Council has statutory obligations within an existing legal framework for the appointment of Council officers to a number of specified posts. The recommendations will support the Council in securing compliance with those statutory duties and the effective management of the Council's functions.
23. The Council has statutory duties under Sections 4 and 5 of the Local Government and Housing Act 1989, to appoint officers as the Head of Paid Service and Monitoring Officer respectively.
24. The appointment of the statutory roles of Head of Paid Service and Monitoring Officer may only be made by full Council, upon recommendation from the Council's Staff Appointments Committee.
25. The Council must follow the procedures set down in the Constitution for the external recruitment of its Monitoring Officer, regarding advertising the post and interviewing candidates.

Economic Implications

Name/Title: Phil Drane, Director of Strategic Planning

Tel/Email: 01277 312610/philip.drane@brentwood.gov.uk

35. None.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

36. None.

Background Papers

Report to Ordinary Council on 26 June 2019.

Appendices to this report

None.