Personnel Sub-Committee
17 June 2019
Executive Director – vacant post

Purpose of report
To propose a process for the replacement of the Council’s Monitoring Officer / Executive Director (MO/ED)

Attachment
Appendix 1: Options for filling the MO/ED role

1.0 Background
1.1 The Council’s MO/ED has decided to take early retirement rather than remain with the Council until the Vesting Day for the unitary North Northamptonshire Council, now that the Secretary of State has announced that this will be on 1st April 2021 rather than 1st April 2020.

2.0 The MO/ED role
2.1 The MO/ED role is one of two ED roles in the council, and its primary functions are:
   • to fulfil the MO role, which is a statutory requirement and holds the responsibility for ensuring that the Council’s decisions and policies are legal;
   • managing the investigation of Councillor Code of Conduct complaints and advising on the standards regime, including councillors’ interests;
   • line managing the Heads of Environmental Services and Planning Services and the Head of the North Northamptonshire Joint Planning Unit;
   • working closely with the Democratic Services team to ensure Council decision-making is properly managed;
   • Working with the other statutory officers to ensure appropriate governance arrangements for the council;
   • maintaining and updating the Constitution; and
   • liaising with Town & Parish Councils.

2.2 Given the significance and the range of responsibilities and the need to maintain senior management capacity in the 22 months prior to Vesting Day, it is not considered an option to leave the role vacant, which would effectively mean deleting it from the organisation structure. In any case, the Monitoring Officer element will have to be replaced as the council must have such a role by law.

3.0 Options for filling the role
3.1 There are three main options for filling the role, along with a fourth, hybrid option, as set out in Appendix 1.

3.2 In the interests of filling the role as quickly and effectively as possible, it is proposed that:
   • option 1 is pursued - the Chief Executive has already made contact with his North Northants colleagues to this end;
• an initial trawl of the interim market is carried out to see whether suitable candidates are available and, if so, at what cost; and
• executive recruitment agencies are consulted to assess the market for permanent employees and determine the costs of using one of those agencies for the recruitment process, should it be needed.

4.0 Equality and Diversity Implications

4.1 An initial Equality Impact Assessment (EIA) has been carried out and all equality and diversity implications are neutral. Neither a positive nor a negative impact has been identified. The initial EIA can be accessed as a background document.

5.0 Privacy Impact Implications

5.1 A Privacy Impact Assessment is not required as the proposal does not involve the use of personal data or relate to an activity which could have an impact on the privacy of an individual.

6.0 Legal Implications

6.1 There are no legal implications arising from the proposals.

7.0 Risk Management

7.1 The main risk to which this proposal refers is RMCORP012 – Risk of unitary preparation diverting resources from delivery of Corporate/Efficiency Plans. Given the amount of work that will be required over the next 22 months to deliver the unitary transformation programme while maintaining business as usual, the MO/ED role needs to be filled.

8.0 Resource and Financial Implications

8.1 The intention is to fill the role within existing budgets so there will be no requirement for additional funding. The short-term financial implication is that there will probably be a salary saving in 2019/20 due to the gap between the current post-holder leaving and a replacement being appointed or alternative arrangements being put in place. However, if an interim is needed, it is likely that additional funding will be required. If so, it is intended that this costs will be covered from reserves.

9.0 Constitutional Implications

9.1 This proposal will not require an amendment to the Council’s Constitution unless the arrangement which is put in place involves delegating the MO role to another local authority - such an arrangement would require Council approval.

9.2 The process for the recruitment of the Monitoring Officer (along with the other statutory officers) is specified in Part 4.7 of the Constitution.

10.0 Implications for our Customers

10.1 There will be no impact on customers and customer services. However, the MO/ED role provides an important link with Town and Parish Councils and whatever arrangements are put in place will need to ensure that this link is maintained during the transition to the new Unitary Council.
11.0 Corporate Outcomes

11.1 The main Corporate Outcome to which this proposal contributes is Effective Management – ensuring that the Council has the right senior management capacity for the period between now and the unitary Vesting Day of 1st April 2021.

12.0 Recommendation

12.1 The Sub-Committee is recommended to:

a) approve the process set out in paragraph 3.2 for the replacement of the current MO/ED; and

b) delegate authority to the Chief Executive, in consultation with the Leader and the Chairman of this Sub-Committee, to pursue the other options set out in the report if option 1 proves not to be viable.

[Reason: To ensure that the Council has the right senior management capacity for the period between now and the unitary Vesting Day of 1st April 2021 and that the MO/ED role is filled in a timely and cost-effective way]

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<tbody>
<tr>
<td>Background Papers:</td>
<td>Equality Impact Assessment</td>
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<td>Person Originating Report:</td>
<td>David Oliver, Chief Executive</td>
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<tr>
<td>Date:</td>
<td>7 June 2019</td>
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<tr>
<td>CFO</td>
<td>MO</td>
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## Options for filling the MO/ED role

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<tr>
<th>Option</th>
<th>Pros</th>
<th>Cons</th>
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<tbody>
<tr>
<td>1</td>
<td>Share the role out between ENC staff acting up and support from other North Northants councils</td>
<td>Provides opportunities for staff&lt;br&gt;Helps move towards North Northants unitary</td>
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<td>2</td>
<td>Recruit a replacement on an interim basis</td>
<td>Quickest way to fill a full-time vacancy</td>
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<td>3</td>
<td>Go to the market to seek a like-for-like replacement employed on a fixed-term contract to 31st March 2021 or on a permanent basis</td>
<td>Minimises complexity - one role to carry out all functions</td>
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<td>4</td>
<td>Combination of 1 and 2 or 1 and 3 - fill parts of the role from ENC or NN partners where possible and recruit to a part-time role or employ a part-time interim to carry out the rest of the role</td>
<td>'Horses for courses’ solution to ensure all aspects of the role are adequately filled</td>
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