

Agenda

Employment panel

Date: **Tuesday 10 May 2022**

Time: **3.30 pm**

Place: **Herefordshire Council Offices, Plough Lane, Hereford,
HR4 0LE**

Notes: Please note the time, date and venue of the meeting.

For any further information please contact:

Sarah Buffrey, democratic services officer

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Email: sarah.buffrey@herefordshire.gov.uk

If you would like help to understand this document, or would like it in another format, please call Sarah Buffrey, democratic services officer on 01432 260176 or e-mail sarah.buffrey@herefordshire.gov.uk in advance of the meeting.

Agenda for the meeting of the Employment panel

Membership

Chairperson **Councillor David Hitchiner**
Vice-chairperson **Councillor Ellie Chowns**

Councillor Tony Johnson
Councillor Liz Harvey
Councillor Terry James

Agenda

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<p>1. APOLOGIES FOR ABSENCE</p> <p>To receive any apologies for absence.</p>	
<p>2. NAMED SUBSTITUTES (IF ANY)</p> <p>To receive details of any member nominated to attend the meeting in place of a member of the panel.</p>	
<p>3. DECLARATIONS OF INTEREST</p> <p>To receive declarations of interests in respect of Schedule 1, Schedule 2 or Other Interests from members of the committee in respect of items on the agenda.</p>	
<p>4. MINUTES</p> <p>To approve the minutes of the meetings held on 15 February and 24 February 2022.</p>	9 - 12
<p>5. QUESTIONS FROM MEMBERS OF THE PUBLIC</p> <p>To receive any written questions from members of the public.</p> <p>Details of the scheme and related guidance are available here: https://www.herefordshire.gov.uk/info/200148/your_council/61/get_involved</p> <p>Please submit questions to councillorservices@herefordshire.gov.uk</p> <p>The deadline for the receipt of questions is Wednesday 4 May at 5.00 pm.</p> <p>Accepted questions will be published as a supplement prior to the meeting.</p>	
<p>6. QUESTIONS FROM COUNCILLORS</p> <p>To receive any written questions from councillors.</p> <p>Please submit questions to councillorservices@herefordshire.gov.uk</p> <p>The deadline for the receipt of questions is Wednesday 4 May at 5.00 pm.</p> <p>Accepted questions will be published as a supplement prior to the meeting.</p>	
<p>7. REVISED SALARY FOR DIRECTOR OF GOVERNANCE AND LAW POST</p> <p>To agree an increased salary package for the director of governance and law post and recommend that salary package to full council.</p>	13 - 18

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We will review and update this guidance in line with Government advice and restrictions. Thank you for your help in keeping Herefordshire Council meetings safe.

You have a right to:

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting. Agenda and reports (relating to items to be considered in public) are available at www.herefordshire.gov.uk/meetings
- Inspect minutes of the Council and all committees and sub-committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
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- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

Recording of meetings

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Public transport links

The Herefordshire Council office at Plough Lane is located off Whitecross Road in Hereford, approximately 1 kilometre from the City Bus Station.

The location of the office and details of city bus services can be viewed at:

<http://www.herefordshire.gov.uk/downloads/file/1597/hereford-city-bus-map-local-services->

**The Seven Principles of Public Life
(Nolan Principles)**

1. Selflessness

Holders of public office should act solely in terms of the public interest.

2. Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

3. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

5. Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

6. Honesty

Holders of public office should be truthful.

7. Leadership

Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.

**Minutes of the meeting of Employment panel held at
Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE
on Tuesday 15 February 2022 at 3.30 pm**

Present: Councillor David Hitchiner (chairperson)
Councillor Ellie Chowns (vice-chairperson)

Councillors: Tony Johnson and Liz Harvey

Officers: Director of HR and OD and Chief Executive

58. APOLOGIES FOR ABSENCE

Apologies received from Cllr Terry James.

59. NAMED SUBSTITUTES (IF ANY)

None

60. DECLARATIONS OF INTEREST

There were no declarations of interest.

61. MINUTES

The minutes of the meeting held on 17th January 2022 were approved.

62. QUESTIONS FROM MEMBERS OF THE PUBLIC

There were no questions from members of the public.

63. QUESTIONS FROM COUNCILLORS

There were no questions from councillors.

64. RECRUITMENT OF DIRECTOR OF GOVERNANCE AND LAW

The Director of Human Resources and Organisational Development introduced the item:

The panel heard that the council's director of governance and law would be leaving the council on 20th March 2022. The report the panel had received set out proposals to recruit to that post and for managing the designation of monitoring officer.

Following a recent evaluation of the functions of the role, it was proposed to recruit to the post on a like-for-like basis. It was explained that shortlisting and interviewing for the post was reserved (within the council's constitution) to the employment panel, which was why the proposal was being put to the panel at the meeting that day.

The director pointed out that recruiting good candidates to the role would be challenging. The current recruitment market was particularly difficult and relying on a national advert to attract

suitable candidates would not likely be successful. The report recommended that a specialist agency should be engaged to headhunt a field of candidates.

The panel heard that there was an indicative timetable for recruitment, which was potentially subject to change. The aim of the timetable was to balance the need to get on and fill the posts at pace, without moving so quickly that sufficient time wasn't available to conduct a thorough search for suitable candidates. The panel was assured that once an agency had been engaged the timetable and timescales could and would be confirmed.

The director explained that it would not be possible to recruit permanently to the post before the current post holder left and that the chief executive intended to search for interim agency cover for the director of governance and law.

It was stated that cover should be in place from mid-march, until the post is filled. The employment panel was asked to recommend to Full Council that the post of interim director of governance and law was designated monitoring officer from 21st March 2022.

Item Discussion:

The panel discussed the report and presentation and considered whether the existing structure was one that should be replicated or needed examining. The chief executive explained that alternative structures for the role had been considered, but that they would potentially create unnecessary additional layers of management

The panel noted the importance of combining the roles of head of governance and law with that of monitoring officer and it felt the coming together of responsibilities gave the holder of the role and the council greater strength. It was also accepted by the panel that having the role holder report to the chief executive rather than another layer of management was a benefit.

The panel enquired as to whether a specialist recruitment agency had already been identified. The director of human resources and organisational development stated that a contract had not been signed at that moment in time, but quotes had been received and the groundwork was in place.

It was resolved that:

- a) Recruitment for the Director of Governance and Law is initiated in line with the estimated timescales set out in paragraph 8 below;**
- b) Employment panel endorses the recruitment plan and delegates long listing to the Chief Executive and Director of Human Resources and Organisational development; and**
- c) Employment panel recommends to full council that the post of (Interim) Director of Governance and Law is designated as Monitoring Officer from 21 March 2022.**

The meeting ended at 3.39 pm

Chairperson

**Minutes of the meeting of Employment panel held at
Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE
on Thursday 24 February 2022 at 1.30 pm**

Present: Councillor David Hitchiner (chairperson)
Councillor Ellie Chowns (vice-chairperson)

Councillors: Councillor Liz Harvey and Polly Andrews

Officers: Director of HR and OD and Chief Executive

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Terry James and Tony Johnson.

2. NAMED SUBSTITUTES (IF ANY)

Councillor Polly Andrews for Councillor Terry James.

3. DECLARATIONS OF INTEREST

None.

4. QUESTIONS FROM MEMBERS OF THE PUBLIC

There were no questions.

5. QUESTIONS FROM COUNCILLORS

There were no questions.

6. APPOINTMENT OF CORPORATE DIRECTOR, COMMUNITY WELLBEING

It was resolved that:

Under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(A) of the Act (as amended) as indicated below. The item discloses information in relation to an individual or individuals.

After a national search and robust selection process employment panel interviewed for the Corporate Director, Community Wellbeing on 22 February.

The panel were reminded that under the council's employment rules selection for this role was undertaken by employment panel and that if the panel determined that no candidate was appointable at this time, a new search could be undertaken to find the right candidate.

The appointment was subject to no valid objections being received from cabinet members within the timeframe specified.

The panel considered feedback from the interview process, including additional comments from the technical interview and references received.

It was resolved that:

- a) Subject to no valid objections being received from cabinet members by 3.00pm on 25 February, Hilary Hall is appointed as Corporate Director, Community Wellbeing.**

The meeting ended at 1.37 pm

Chairperson



Title of report: Revised salary for Director of Governance and Law Post

Meeting: Employment panel

Meeting date: 10 May 2022

Report by: Director of Human Resources and Organisational Development

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose

To agree an increased salary package for the Director of Governance and Law post and recommend that salary package to Full Council.

Recommendation(s)

That:

- a) **A new search for the Director of Governance and Law is initiated;**
- b) **Employment panel recommends to Full Council that the new search should be on the basis of a salary of £108,472; and**
- c) **Employment panel recommends to Full Council that the threshold for salaries that are considered at Full Council is increased from £100,000 to £130,000.**

Alternative options

1. Employment panel could determine that the new search is initiated on the current salary. This is not recommended as the recruitment agency has provided clear

Further information on the subject of this report is available from Tracey Sampson, Tel: 01432 383715, email: Tracey.Sampson@herefordshire.gov.ukl

feedback from prospective candidates that the salary currently on offer is not sufficient to secure a strong field of candidates.

2. Employment panel may determine that the threshold for salaries that are considered at Full Council should remain at £100,000. This is not recommended. The £100,000 threshold was deemed to be the appropriate level in 2011 and has not been adjusted for inflation since.

Key considerations

Salary for post of Director of Governance and Law

3. In February 2022 a recruitment agency was engaged to undertake a national search for candidates for the Director of Governance and Law.
4. On 30 March 2022 employment panel was due to consider the applications for the post and develop a short list of candidates. Unfortunately there were no suitable candidates that could be short listed for this role.
5. The search was thorough with over 75 candidates targeted during the month long campaign and the role was advertised nationally in the Municipal Journal on two occasions.
6. The advice from the recruitment agency is that extending the deadline or going back out to advert would be unlikely to produce a different outcome unless the council is able to offer an improved salary package and a salary that is comparable with other councils and other director posts in the council.
7. The current salary for this role is £89,379 and although there was an expectation that a market forces supplement of up to £10,000 would be required, this has not proved to be sufficient in terms of value or in terms of the clarity it offers candidates about their prospective pay package.
8. A comparison of similar roles being advertised recently shows that the salary for this post does not benchmark well and feedback from multiple candidates approached as part of the search gave clear feedback that the salary was insufficient to attract their interest.
9. A sample of salaries for similar Director of Law and Governance roles which have been advertised recently is pasted in the table below:

Council	Role	Pay
Birmingham City Council	City Solicitor	£149,999
Blackburn with Darwen Council	Director of Legal Services	Up to £100,000
Blackpool Council	Director of Governance (Monitoring Officer)	£95,000
Bradford Council	Director of Law and Governance	£106,000

Breckland District Council and South Holland District Council	Executive Director: Strategy & Governance (Monitoring Officer)	To £111,295
Derbyshire County Council	Director of Legal Services	£98, 924
Greater Manchester CA	Director of Governance	£140,000
Lancaster City Council	Head of Legal Services and Monitoring Officer	£113,000
Leeds City Council	City Solicitor	£102,000
Manchester City Council	Deputy City Solicitor	£97,000
Staffordshire County Council	County Solicitor	£111,618 + Car allowance £5,438
Walsall Council	Head of Legal and Democratic Services	Up to £95,000

10. Since the corporate leadership team (CLT) restructure last year and the resignation of the service director for corporate services this role has grown to include a broader remit including elections, registrars and wider governance responsibilities. To date these changes have not previously been factored into the grading of this role. A grading review of the CLT roles is planned for later in the year but the imminent need to recruit to this role and the challenging recruitment market coupled with significant wage inflation has brought forward the need to re-look at the salary package for this role. A desktop grading assessment has shown that job evaluation has changed and the salary for this role should now be the same as the Director of Resources and Assurance (s151 officer) which is currently £108,472.
11. It is therefore proposed that employment panel recommend to Full Council that the salary for this role is increased to £108,472. A new search for a field of candidates will then be initiated on the basis of the improved salary package.

Threshold for salaries considered at full council

12. The Localism Act 2011 (the Act) seeks to improve openness and accountability in local government pay. Section 40 of the Act brought in a number of measures including the requirement for Full Council, or a meeting of members, to vote on large salary packages in local government. At the time of introduction, the then Secretary of State considered that £100,000 would be the right threshold although councils are free to determine alternative thresholds.
13. In accordance with the Act, new salary packages not listed in the pay policy statement over £100,000 have been subject to a vote at Full Council since 2011.
14. The threshold has not been adjusted since its introduction 11 years ago and it is proposed that this threshold is now adjusted for inflation to £130,000. This sum has been determined by using the Bank of England's inflation calculator which shows that inflation has averaged at 2.6% annually over the time period involved.

15. Increasing the threshold to £130,000 would still provide Full Council the right to vote on new and very large local government salary packages.

Community impact

16. In accordance with the adopted code of corporate governance, the council needs appropriate structures and leadership, as well as people with the right skills, qualifications and mind-set, to operate efficiently and effectively. The council is accountable for how it uses the resources under its stewardship, including accountability for outputs and outcomes achieved. In addition the council has an overarching responsibility to serve the public interest in adhering to the requirements of legislation and government policies.
17. The post holder for this role provides strategic leadership to council services and has a key leadership role in Herefordshire, regionally and nationally. Without effective leadership, outcomes for communities and individuals in Herefordshire could be adversely affected.

Environmental Impact

18. The council's directors have shared responsibility for the delivery of the county plan and corporate delivery plan and the inherent environmental objectives and outcomes within these plans.

Equality duty

19. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The council's policies in relation to job evaluation and recruitment and selection pay full regard to the council's responsibilities as set out in the public sector equality duty. The council is a disability confident employer and the council encourages applications from candidates from diverse backgrounds.

Resource implications

20. The establishment budget is available for this post and any appointment will be made within this budget.

21. The current salary is currently £84,744 - £89,378, and it is recommended that this increases to £108,472. The salary costs will be met from within the existing directorate revenue budget.
22. Allowing time for a successful candidate to serve notice with the current employer, a start date of 1 October 2022 is assumed.

Revenue budget implications	2022/23	2023/24	Future Years	
	£000s	£000s	£000s	
Salary for Director of Governance and Law (not including on costs)	54	108	108	
TOTAL	54	108	108	

Legal implications

23. The council is required to designate a suitably qualified officer to act as Monitoring Officer as prescribed in the Local Government and Housing Act 1989.
24. The Director of Governance and Law will act as Monitoring Officer as prescribed in the Local Government and Housing Act 1989 and as determined at Full Council on 4 March 2022.
25. Any employee employed by the council must be employed on the council's normal terms and conditions and will be subject to all relevant policies and procedures as any other employee would be.
26. The Localism Act 2011 provides that the council's pay policy statement must be approved at Full Council. The proposed salary specified in paragraph 8 of this report is not set out in the council's current pay policy statement that was approved at Full Council on 11 February 2022 and must therefore be recommended to and considered by Full Council.

Risk management

27.

Risk / opportunity	Mitigation
The council will not be able to recruit to this role.	This report recommends an improved salary package so that it is comparable with other councils and so the council is more likely to be able to attract a field of qualified candidates.

Consultees

28. None.

Appendices

None

Background papers

None identified.

Report Reviewers Used for appraising this report:

Please note this section must be completed before the report can be published

Governance	Sarah Buffrey, Democratic Services Officer	25/04/2022
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Finance	Louise Devlin	25/04/2022
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Legal	Alice McAlpine	25/04/2022	Kate Charlton	25/04/2022
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Communications	Luenne Featherstone	25/04/22
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Equality Duty	Harriet Yellen	26/4/22
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Risk	Kevin Lloyd	24/04/2022
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Approved by	Paul Walker	Date 29/04/2022
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