

MINUTES of the meeting of Employment Panel held at Committee Room 1, Shire Hall, St Peter's Square, Hereford, HR1 2HX on Tuesday 10 May 2016 at 2.30 pm

Present: Councillor AW Johnson (Chairman)
Councillor PM Morgan (Vice-Chairman)

Councillors: WLS Bowen, AJW Powers and PD Price

Officers: Annie Brookes, Geoff Hughes, Alistair Neill, Bob Perks and Natalia Silver

15. APOLOGIES FOR ABSENCE

Apologies had been received from Councillors H Bramer and RI Matthews.

16. NAMED SUBSTITUTES

Councillor PD Price substituted for Councillor H Bramer, and Councillor WLS Bowen substituted for Councillor RI Matthews.

17. DECLARATIONS OF INTEREST

No declarations of interest were made.

18. MINUTES

The minutes of the last meeting were received.

RESOLVED: That the minutes of the meeting held on 18 January 2016 be approved as a correct record.

19. CONFIRMATION OF DESIGNATION OF STATUTORY OFFICER (MONITORING OFFICER)

The assistant director communities presented the report and attention was drawn to the following key points:

- a. The purpose of this item was to consider permanent arrangements for the designation of a post as monitoring officer. It was noted that the 'monitoring officer' was a particular set of functions which could be attributed to an existing role.
- b. On 11 September 2015 ([minute 9](#)), the employment panel had recommended to Council that 'the post of deputy solicitor to the council people and regulatory be designated monitoring officer for an interim period of up to nine months from the date of approval'. Full council had agreed this recommendation on 25 September 2015 ([minute 28](#)).
- c. During the course of the review period, several options had been explored in terms of how the authority could operate the various functions and these were detailed in the report.
- d. Key stakeholders were engaged as part of the process and the majority were in favour of the interim arrangement being made permanent. Reflecting this, the recommendation of the report was that the post of solicitor to the council be designated as monitoring officer.

- e. The alternative options, an external appointment process to recruit from outside of the council or sharing the function of monitoring officer with another authority, were outlined.
- f. Attention was drawn to the financial implications section of the report. It was explained that, working within the limitations of the current pay policy, an initial assessment envisaged that the proportion of responsibilities and accountabilities would be 60% for the post of solicitor to the council and 40% for the functions of monitoring officer. Recognising the importance and level of responsibility of the monitoring officer, further work had been undertaken since the publication of the report. Consequently, the ratio had been amended to 30% for the post of solicitor to the council and to 70% for the functions of monitoring officer. It was reported that this would change the structure of the salary for the proposed permanent arrangement.

The chairman invited comments from panel members.

The vice-chairman considered the proposal to be an intelligent way forward and this approach could be considered for some other roles where appropriate.

A panel member questioned whether the authority could be confident that the demands upon legal services would not put too much of a burden on this post, dealing with external events as solicitor to the council at the same time as internal functions as monitoring officer. In response, the chief executive made the following points:

- i. The arrangement had been put in place for an interim period for evaluation and it was considered manageable, hence the recommendation of making it permanent going forward;
- ii. Other authorities operated a similar arrangement;
- iii. There was a tendency to refer many matters to the monitoring officer and any post holder would need to be robust and pragmatic about the work that could be undertaken and the timescales involved; and
- iv. Good mentoring support had been put in place which had been effective.

The panel member recognised the value of the interim period and complimented the incumbent. However, it was questioned whether the other authorities referred to had comparable support within legal services or whether Herefordshire Council was in a more constrained position. The assistant director communities acknowledged that there had been some pressure points in legal services and advised that, as part of the communities division restructure, relationships with directorates would alter (through service level agreements and priority lists) and additional support would be put in place. The director of economy, communities and corporate added that the broader capacity of the legal team had been strengthened in the restructure and recruitment was underway for some of the posts created in order to provide additional capacity.

A panel member sought clarification about the financial implications. The director of economy, communities and corporate explained the limitations of the current pay policy, especially the absence of points between HC13 and HoS2 (head of service) grades. The approach in this case involved a percentage of the role being graded at a lower rate (the post of solicitor to the council, HC13) and a percentage of the role being graded at a higher rate (the functions of monitoring officer, HoS2. Since the report had been published and following consideration of further information, the percentages had been revised from 60% / 40% to 30% / 70%, respectively.

In response to a question from a panel member, the interim head of HR and organisational development did not consider that this approach set a precedent given the particular circumstances of the situation and the specific problem identified in the salary

structure. The chief executive added that a permanent head of HR and organisational development would join the authority shortly and an early task would be to strengthen the pay policy in this area. The head of corporate governance advised the panel that all roles were evaluated through an independent process and it was proposed to align two separate functions within a single role in this instance.

Another panel member considered the recommendation a fair and sensible way forward.

The chairman noted the advantages of making permanent the interim arrangements but questioned what the approach might be if an external appointment process was pursued. The director of economy, communities and corporate commented that the authority would need to take a view about what duties it would go to the market with.

In response to further comments from panel members, the director of economy, communities and corporate confirmed that it was the impact of the reassessment of the level of responsibility that had resulted in the percentages being revised.

RESOLVED: That it be recommended to Council that the post of solicitor to the council be designated as monitoring officer for Herefordshire Council.

The meeting ended at 2.46 pm

CHAIRMAN