

Report of the Chief Executive to the meeting of Staffing Committee to be held on 7 February 2022

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Subject:

Appointment of Director Legal Governance (previously referred to as City Solicitor) & Director West Yorkshire Pension Fund in accordance with the Council's Constitution and Pay Policy Statement.

Summary statement:

This report seeks approval from Staffing Committee:

1. To appoint to the position of Director of Legal Governance in accordance with the Council's Constitution and Pay Policy Statement.
2. To appoint to the position of Director West Yorkshire Pension Fund (WYPF) in accordance with the Council's Constitution and Pay Policy Statement.
3. To appoint an Appointments Panel to be given delegated responsibility to appoint to the position of Director of Legal Governance and Director WYPF and that the Panels comprise three Elected Members (two Labour and **one** Conservative) with the membership to be on the nomination of the Leader of Council and Leader of the Conservative Group (and shall include at least one Member of Executive).

EQUALITY & DIVERSITY:

The appointment to the post will support a number of priority outcome areas in the Bradford Council Plan 2021-2025 and in particular the priority of 'An Enabling Council' and working towards making the Council a great place to work and reflects the communities we serve. In addition, it will support the Council Equality Objectives and Equality Plan around Leadership and Workforce Diversity. All work that relates to our workforce must support the Council objectives on Equality and Diversity. Recruitment, retention and succession has inclusion at its core.

Kersten England
Chief Executive

Portfolio:
Corporate

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Overview & Scrutiny Area:
Corporate

1. SUMMARY

- 1.1 In accordance with the Council's Constitution the appointment of the Director of Legal Governance and the Director WYPF is a function of Staffing Committee. The Council's current Senior Management structure was approved by Executive on 20 September 2016 and this approved structure included the post of City Solicitor (now referred to as Director Legal Governance) and Director WYPF. The Structure is at Appendix 1 of this report.
- 1.2 Following her resignation, the current City Solicitor is due to leave the Council in March 2022. The post holder is currently working their notice.
- 1.3 Following his notice of resignation (retirement), the current Director WYPF is due to leave the Council in Spring 2022.
- 1.4 It is proposed to appoint to the post of Director of Legal Governance and the Director WYPF in line with the Council's Constitution and Pay Policy Statement. The Pay Policy Statement is at Appendix 2 of this Report.

2. BACKGROUND

- 2.1. On 20 September 2016 Executive approved the current senior management structure.
- 2.2. The Council has approved the Council's Pay Policy Statement for the year 1 April 2021 to 31 March 2022.
- 2.3. Following her resignation the Council's current City Solicitor leaves the Council's employment in March 2022.
- 2.4. Following his resignation the Council's current Director WYPF is due to leave the Council's employment in Spring 2022.

4. OTHER CONSIDERATIONS

- 3.1. In accordance with Article 12A.4 and Part 3H (the Officer Employment Procedure Rules) of the Constitution it is a function of Staffing Committee to appoint the Director of Legal Governance (formerly referred to as City Solicitor) and Director WYPF. This function is normally delegated by Staffing Committee to a sub – committee, (an appointment panel). The power to make the appointment can also be delegated to the Chief Executive or her nominee.
- 3.2. The post of Director of Legal Governance is a key post in leading the Legal Services of the Council to ensure that the needs and aspirations of the citizens of the Bradford District are met. It also acts as the Authority's Monitoring Officer under section 5 Local Government and Housing Act 1989, and is a statutory chief officer post. The job profile and person specification for the role is at Appendix 3 of this report.

- 3.3. In accordance with Section 4 of the Council's Pay Policy Statement the post of Director of Legal Governance (formerly referred to as City Solicitor) is subject to the terms and conditions of employment of the Joint Negotiating Committee (JNC) for Chief Officers as amended and supplemented by local agreements and decisions. The post is graded at AD1 (Assistant Director 1) with a salary range of £99,260 - £105,100 per annum being one of the grade ranges and salary levels within the Council's Pay Policy Statement. Other aspects of the remuneration for the post are set out in Appendix A of the Pay Policy Statement.
- 3.4. The post of Director WYPF is a key post in leading the West Yorkshire Pension Fund of the Council to ensure that pension fund investments for members and employer organisations are sound, the fund is well managed and grows and is sustainable. The job profile and person specification for the role is at Appendix 4 of this report.
- 3.5. In accordance with Section 4 of the Council's Pay Policy Statement the post of Director WYPF is subject to the terms and conditions of employment of the Joint Negotiating Committee (JNC) for Chief Officers as amended and supplemented by local agreements and decisions. The post is graded at Director 1 with a salary range of £109,050 - £119,954 per annum being one of the grade ranges and salary levels within the Council's Pay Policy Statement. Other aspects of the remuneration for the post are set out in Appendix A of the Pay Policy Statement.
- 3.6. Staffing Committee is asked to approve the proposal to appoint to the post of Director of Legal Governance and the post of Director WYPF in accordance with the Council's Pay Policy Statement.
- 3.7. Staffing Committee is asked to approve the proposal that the Appointment Panel be given delegated responsibility to appoint to the position of Director of Legal Governance and Director WYPF and that the Panel comprise three Elected Members (two Labour and one Conservative) with the membership to be on the nomination of the Leader of Council and Leader of the Conservative Group (and shall include at least one Member of Executive).
- 3.8. A procurement process has already taken place to secure the services of a search and selection consultant. Proventure Consulting have been appointed to support with the recruitment process.

4. FINANCIAL & RESOURCE APPRAISAL

- 4.1 It is proposed that the appointment of both posts (Director of Legal Governance (formerly referred to as City Solicitor) and Director WYPF) is in accordance with the provisions of the Council's Pay Policy Statement as set out in section 3 above and as detailed in Appendix 2.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

- 5.1 If Staffing Committee decide that there be no appointment to the position as detailed in paragraph 3.4 above, then Staffing Committee instructs officers to prepare alternative proposals to fulfil the duties and responsibilities of the Director Legal Governance and the Director WYPF.

6. LEGAL APPRAISAL

- 6.1 Section 112 Local Government Act 1972 allows the Council to appoint such officers that it thinks necessary for the proper discharge by the Authority of its duties. Such officers shall hold office on such reasonable terms and conditions as the Council thinks fit.
- 6.2 The position of Director of Legal Governance is a statutory chief officer post under the Local Government and Housing Act 1989 and acts as the Authority's Monitoring Officer under section 5 of the Local Government and Housing Act 1989.
- 6.3 In accordance with the Council's published Pay Policy Statement for the financial year 2021/22 full Council must approve any salary package of £100,000 p.a. or more before it is offered in respect of a new post not listed in Appendix B of the Pay Policy Statement, or if it is proposed to pay more than the top of the salary range for an existing post in Appendix B of the Pay Policy Statement.

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

The processes within this Report are equality compliant. The recruitment and selection will be advertised widely to reach potential candidates from all backgrounds, applicants are encouraged from diverse backgrounds.

7.2 SUSTAINABILITY IMPLICATIONS

None

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

None

7.4 COMMUNITY SAFETY IMPLICATIONS

None

7.5 HUMAN RIGHTS ACT

None

7.6 TRADE UNION

None

7.7 WARD IMPLICATIONS

None

**7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS
(for reports to Area Committees only)**

None

8. NOT FOR PUBLICATION DOCUMENTS

None

9. OPTIONS

- 9.1 If Staffing Committee decide that there be no appointment to the position of Director of Legal Governance, and/or Director WYPF then Staffing Committee instructs officers to prepare alternative proposals to fulfil the duties and responsibilities of the Director of Legal Governance and/or Director WYPF.

10. RECOMMENDATIONS

That Staffing Committee approve the proposals:

- 10.1 To appoint to the position of Director of Legal Governance in accordance with the Council's Constitution and Pay Policy Statement.
- 10.2 To appoint to the position of Director WYPF in accordance with the Council's Constitution and Pay Policy Statement.
- 10.3 To delegate to an Appointments Panel, the responsibility to appoint to the position of Director of Legal Governance and Director WYPF and that the Panel comprise three Elected Members (two Labour and one Conservative) with the membership to be on the nomination of the Leader of Council and Leader of the Conservative Group (and shall include at least one Member of Executive).

11. APPENDICES

Appendix 1 – Senior Management Structure 2020
Appendix 2 – The Council's Pay Policy Statement 2021/22
Appendix 3 – Job Profile and Personnel Specification Director of Legal Governance
Appendix 4 – Job Profile and Personnel Specification Director West Yorkshire Pension Fund

12. BACKGROUND DOCUMENTS

None