



ADUR & WORTHING
COUNCILS

Joint Senior Staff Committee
8 October 2021
Agenda Item 6

Ward(s) Affected: All

Salary review and proposed recruitment process for the post of Head of Legal Services and Monitoring Officer

Report by the Director for Digital, Sustainability & Resources

Executive Summary

1. Purpose

- 1.1. This report provides the rationale for the review of the salary of the Head of Legal Services and Monitoring Officer role for Adur and Worthing Councils, required in advance of recruitment activities for this role.
- 1.2. This report also provides an overview of the recruitment and selection process for the new Head of Legal Services and Monitoring Officer role..

2. Recommendations

- 2.1. That Joint Senior Staff Committee agrees that the Head of Legal and Monitoring Officer role should be reevaluated using the Councils' job evaluation process and delegates authority to the Director of Digital, Sustainability & Resources to accept the recommendations of the panel.

- 2.2. That the recommendation of the evaluation panel is put forward to Full Councils for approval in October 2021, with a maximum level of remuneration of £80,794.
- 2.3. To agree to the proposed recruitment process for the Head of Legal Services and Monitoring Officer role.

3. Context

- 3.1. The Councils carried out a recruitment process in January 2021 to appoint to the Head of Legal Services and Monitoring Officer role. Unfortunately this process was unsuccessful, with members of the Joint Senior Staff Committee being unable to recommend an appointment to Full Councils at the final interview stage.
- 3.2. Consequently the contract of the interim Head of Legal Services and Monitoring Officer, Maria Memoli was extended. Her contribution has been significant with a review of the Code of Conduct successfully undertaken earlier in the year. Maria is set to move on in early 2022, and recruitment to the permanent post is now being progressed.
- 3.3. Consideration has been given to the reasons for the lack of success in the recruitment. In particular the process came at a time of great difficulty and uncertainty with regard to the pandemic and feedback received from the recruiters suggested many people were choosing stability at that time.
- 3.4. While testing the market through the recruitment agent, feedback was received that the salary offered may not be sufficiently attractive to bring in high quality candidates. As a result, the Director for Digital, Sustainability & Resources moved to apply a market supplement to assist the process. The market supplement applied was equivalent to increasing the salary from Scale 12 £67,611 to £73,666 to Scale 13 £74,154 - £80,794 of the Councils' pay scale. This aligned to the market intelligence received from the recruiting agent.
- 3.5. To maximise the chances of a successful recruitment exercise, it is important to ensure the salary level for the role is now fully reviewed. Benchmarking data has been collected, but it has proved difficult to compare "like with like" as legal roles tend to be combined with a range

of different functions, such as democratic services, HR, and other regulatory services. It is for this reason that the job evaluation approach is recommended.

- 3.6. Attached is a revised job description and person specification for the role and it is important to note that there have also been **two additions made**, which increase the level of responsibility and range of duties.
- 3.7. The information governance team has been moved into the legal services function. This handles all matters relating to information governance and data protection, as well as the administration for requests for information, subject access requests and customer feedback and complaints.
- 3.8. The role has also been amended such that the postholder will become the Councils' nominated officer for Anti-Money Laundering.
- 3.9. The Director for Digital, Sustainability & Resources has completed the job evaluation evidence pack, and will present it to the evaluation panel on October 14th 2021.
- 3.10. A review and increase to the salary level for this post is considered essential to improve the chances of successful recruitment, however it should be noted that market conditions appear to remain challenging for this specialist role.

4. Recruitment process

- 4.1. The recruitment process for the Head of Legal Services and Monitoring Officer will commence once the recommendations from the Joint Senior Staff Committee have been considered by both Full Councils in October.
- 4.2. An executive search company will be appointed following a procurement process. The support from the company will be vital to ensure we get a good calibre of applicants for this critical post.
- 4.3. The recruitment process will contain a number of steps, as shown in the table below:

Activity	Timeframe
Application opens with executive search activities to find suitable candidates	1st Nov
Applications close	14th Nov
Stage 1 interviews	w/c 15 Nov
Officer interviews	w/c 22 Nov
Final interview at Joint Senior Staff Committee	w/c 29 Nov
Recommendation to both Adur and Worthing Full Councils	WBC - 14 Dec ADC - 16 Dec

- 4.4. The Joint Senior Staff Committee is asked to note this timetable and approve the recruitment of the Head of Legal Services and Monitoring Officer by the above process.

5. Financial Implications

- 5.1. The current budget for the Head of Legal Services and Monitoring Officer salary is £97,330 based on a salary of £73,670 (Grade 12, spinal column point 57) plus associated on-costs.
- 5.2. If the Head of Legal Services and Monitoring Officer post is graded at Grade 13 with a current salary range of £74,154 - £80,794, the financial impact will be between £660 - £9,660 including the impact of oncosts and the increase to national insurance contributions due to be introduced from 1/4/2022, which will be accommodated within the 2022/23 budget. The financial impact will depend on the starting salary agreed with any successful candidate.
- 5.3. The pay award for 2021/22 has yet to be agreed with the Unions, but the salary will be increased in line with the nationally agreed pay award in line with all other Heads of Service.
- 5.4. The recruitment of the Head of Legal Services and Monitoring Officer will cost in the region of £12,000, which will be funded from the Councils' contingency budgets.

6. Legal Implications

- 6.1 Section 112 Local Government Act 1972 enables a Local Authority to

appoint staff on such terms and conditions as appropriate.

- 6.2 The Constitutions of Adur District Council and Worthing Borough Council specify the terms of reference for the Joint Senior Staff Committee to include making recommendations to Council on the appointment, and terms and conditions of employment, relating to the Monitoring Officer role. As this is an integral part of the Head of Legal Services and Monitoring Officer role the role has to be considered in its entirety.
- 6.3 It is a statutory requirement for Local Authorities to appoint a Monitoring Officer under s. 5 of the Local Government and Housing Act 1989
- 6.4 The Local Authorities (Standing Orders) (England) Regulations 2001 provide that the appointment of Monitoring Officer must be dealt with by Full Councils.
- 6.4 Adur and Worthing Constitutions provide that the role of Monitoring Officer is approved by Full Councils

Background Papers

Head of Legal Services & Monitoring Officer Job Description & Person Specification

Officer Contact Details:-

Paul Brewer

Director for Digital, Sustainability and Resources

paul.brewer@adur-worthing.gov.uk

Sustainability & Risk Assessment

1. Economic

- 1.1. The post of Head of Legal Services and Monitoring Officer is a key participant in the development of major regeneration projects and partnerships, which have a direct impact on the local economy.

2. Social

- 2.1. The post of Head of Legal Services and Monitoring Officer is key to delivering on the ambitious agenda in Platforms for Our Places in relation to communities.

2.2. Equality Issues

- 2.2.1. Recruitment will be undertaken with close attention to matters of diversity & inclusion

2.3. Community Safety Issues (Section 17)

- 2.3.1. Matter considered and no issues identified

2.4. Human Rights Issues

- 2.4.1. Matter considered and no issues identified

3. Environmental

- 3.1. Matter considered and no issues identified

4. Governance

- 4.1. The Head of Legal Services & Monitoring Officer is critical to the deliver of good governance, responsible for proposing amendments to the Constitutions of the Council and providing support and advice to the Joint Governance Committee.
- 4.2. The post of Interim Head of Legal Services and Monitoring Officer Service is currently held by Maria Memoli from until the appointment to the substantive post.



ADUR & WORTHING
COUNCILS

JOB DESCRIPTION

POST TITLE:	Head of Legal Services and Monitoring Officer
AUTHORITY:	Employed by Adur District Council to provide a service to both Adur District Council and Worthing Borough Council
DIRECTORATE:	Digital and Resources
SECTION:	Legal Services
POST NUMBER:	CC.1267
ACCOUNTABLE TO:	Director for Digital, Sustainability and Resources
LEADERSHIP RESPONSIBILITY FOR:	Legal Services Section
KEY LEADERSHIP RELATIONSHIPS	<p>Members of the Council, Chief Officers and all other appropriate Council Officers and Managers.</p> <p>Statutory Officers – Head of Paid Service, Section 151 Officer and Deputy Monitoring Officer.</p> <p>Members and Officers of other bodies, specialist agencies, the media, contractors, consultants, Courts, Tribunals, Judiciary, Counsel and External Solicitors.</p>

	<p>Partner agencies across public, private and voluntary sectors.</p> <p>Authority to liaise with any person or body.</p>
MEETINGS ATTENDED ON A REGULAR BASIS	<p>Council meetings, Joint Strategic Committee meetings, Cabinet Meetings, Cabinet Member liaison meetings, Joint Overview and Scrutiny Committee Meetings, Joint Governance Committee meetings, Joint Staff Committee meetings, Joint Senior Staff Committee meetings.</p> <p>Planning Committee meetings, Licensing Committee meetings, working parties, Officer-Member meetings, informal Cabinet Meetings, as required.</p> <p>All meetings of the Council and its Committees, as Solicitor to the Council, as Legal Advisor to Members and/or as contributor or report author.</p> <p>Operational groups and working parties relevant to the Legal Section or corporate and cross cutting issues, both internal and external meetings.</p> <p>Authority to attend any meeting in capacity as Monitoring Officer</p>
WORK STYLE	Flexible

PRINCIPAL PURPOSE OF JOB

To lead and provide the strategic and operational management and control of the staff and budgets within the **Legal Services Section** in the Digital and Resources Directorate of Adur and Worthing Councils, ensuring the provision of quality, cost effective service to the clients and communities of Adur and Worthing.

Provide Information Governance services to the Councils, including data protection advice, management of Freedom of Information Requests and customer feedback.

Modernise the legal services function through digital transformation, removing traditional paper-based approaches and streamlining processes.

Empower legal staff to partner with clients, creating effective, enabling solutions and constructively identifying and **managing risk**.

To be the Councils' Chief Legal Officer and to proactively ensure the provision of enabling, effective, accurate and timely advice to the Council, its Members and Officers, to support the Council's objectives.

To be the **Monitoring Officer** for both Councils, and to carry out this role in accordance with statutory provisions.

To be the Money Laundering Reporting Officer for the Councils, providing oversight for the Councils' anti-money laundering (AML) systems, and managing related inquiries.

To contribute to the shaping, management and delivery of the corporate strategy, Platforms for Our Places, and priorities of Adur and Worthing Councils and their partners.

To contribute to cross cutting corporate management projects including the project management of staff and/or resources as appropriate.

With the Director for Digital and Resources, and other Heads of Service, contribute to the development of Digital and Resources Directorate priorities and delivery plans.

MAIN DUTIES, TASKS AND RESPONSIBILITIES OF THE POST HOLDER

To provide high quality, **innovative**, practical and enabling legal advice to Senior Officers, Members and internal client departments of the Councils.

To provide prompt and accurate legal advice to Members in Council and Committee meetings, informal meetings, and working parties, in capacity as report author, legal advisor to the Committee, Solicitor to the Council or Monitoring Officer.

To lead the staff in the Legal Services Section, ensuring high performance and quality standards, building a reputation as an enabling, creative and commercially minded legal team, able to **deliver creative legal solutions and help manage risk**.

To lead the activities in the Legal Services Section, ensuring the efficient and effective provision of legal services, whilst implementing good practice management principles, in compliance with professional framework rules.

3

To manage and control the resources in the Legal Services Section, ensuring good financial management and budgetary principles are applied.

Effectively lead and manage the Legal Services Section to ensure that its strategies, business plan, procedures and activities are developed and delivered to meet the needs of Adur and Worthing Officers, Members and Communities.

To drive a programme of **modernisation using digital technologies**, removing paperwork and traditional methods, and implementing simplified, rationalised and digital processes and systems.

To generally oversee the activities of clients, committees and departments and provide support with timely legal advice to contribute to the achievement of corporate and departmental objectives and/or to avoid illegality and maladministration.

To research, draft and prepare reports for submission to Council, Committees, Corporate Leadership Team, Organisational Leadership Group, Working Parties, Cabinet Members, and Officers as required. To provide verbal and written briefings on legal matters to Members and Officers as appropriate.

To be responsible for **governance arrangements** of the Councils and its Committees; to produce, review and update a fit for purpose, lawful, set of governance arrangements, contained in the Councils' Constitutions.

To ensure that the legal, statutory and governance provisions affecting the activities of the Councils are interpreted with a view to being **enabling**, as far as possible, whilst being adhered to and complied with.

To be responsible for maintaining a register of Members' disclosable pecuniary interests, and for exercising the power to grant dispensation in accordance with legislation, where appropriate. (Localism Act 2011)

To comply with the statutory duty of the Monitoring Officer by taking a report to the Councils, after complying with consultation requirements, if at any time it appears to the postholder that any proposal, decision or omission by the Council, its Committees, or Officers has given rise, or is likely to give rise to, a contravention by the Council of any enactment or rule of law, maladministration or injustice. (s5 Local Government and Housing Act 1989).

To uphold high standards of conduct and ethics by elected Members of the Councils.

To receive complaints of breaches of the Councils' Code of Conduct for Members, to carry out initial assessments of such complaints, to conduct investigations into such complaints, and to report to the Councils Governance Committee and its Sub Committee in respect of such complaints and standards matters generally, (Localism Act 2011).

4

To be the Councils' Authorised Officer for liaising with the Police; being authorised to request DPA2 information under the Crime and Disorder Act 1998.

To be the Councils' Statutory Consultee with the Police in respect of section 30 of the Anti-Social Behaviour Act 2003.

To be the Councils' nominated Anti-Money Laundering Officer, reporting any suspicious activity or transaction to the National Crime Agency (NCA) by completing and submitting a Suspicious Activity Report.

To be the Councils' statutorily appointed Senior Responsible Officer (SRO) under the Regulation of Investigatory Powers Act 2000; to be responsible for annual returns and inspections by the Office of the Surveillance Commissioner, internal training and annual review of the Councils' Surveillance Policy and Procedures.

To be the Councils' statutorily appointed Reviewing Officer for requests for information made under the Data Protection Act, Freedom of Information Act and Environmental Information Regulations. To be the Councils' main point of contact with the Information Commissioner.

To undertake such duties as are required by the Returning Officer in respect of elections and electoral registration.

To develop networks to share and exchange information, expertise and best practice in respect of Legal Services. Working with voluntary, private and public sector partners to achieve service and Council objectives.

Prepare Committee and Cabinet Member reports and press releases for all issues involving Legal Services. To act as the lead contact point for all matters connected with the Legal Services Section.

Where appropriate, to personally undertake major or complex transactions.

Where appropriate, to personally undertake major or complex advocacy in the Courts, and, if necessary, at Inquiries and Tribunals.

To be appointed by the Solicitors Regulatory Authority as the Organisations'

Authorised Training Officer, and to take overall responsibility for training the Council's Trainee Solicitors.

CORPORATE RESPONSIBILITIES

Our senior management culture is highly collaborative, flexible and agile. Our ambitious Platforms agenda requires us to be **creative, adaptive and work at pace**. The Head of Legal will be responsible for forming highly productive relationships across the organisation, where **trust** and **healthy challenge** are highly valued.

Lead and participate in cross-service working and corporate programmes, projects and groups in order to improve the performance of the Councils and achieve the most effective services for the communities of Adur and Worthing.

Ensure the provision of professional advice and guidance to the Councils in the service areas managed in order to support and enable sound and effective policy determination and decision-making.

Provide and facilitate **advice to all Elected Members**, ensuring that significant issues receive full and proper consideration within the democratic process.

Develop and maintain effective working relationships with all Members to support them in their various roles. Provide clear, timely and effective policy advice and guidance to the relevant Cabinet Member/Chairman in respect of the service areas managed.

Ensure Leaders and Managers operate as one leadership and management community, connecting across services and drawing together strategy and delivery as appropriate. Learning, problem-solving and developing our leadership capacity and the talent that we have over the long term.

Ensure senior staff, as far as is practicable, in Adur and Worthing Councils fully engage with staff to understand the detail of service delivery models and constructively challenge the practice that exists in order to eliminate unnecessary processes and activities to minimise the resources necessary to deliver services to the people of Adur and Worthing.

Promote and support a culture for change, developing and implementing new ways of working and maximising the use of **digital technologies** to deliver enhanced customer service and an improved working environment for staff.

Support the delivery of effective and quality internal and external communications, promoting a positive public image of the Councils at all times.

Secure or undertake the Proper Officer roles for the Councils in appropriate area(s).

CUSTOMERS AND PARTNERS

As a Senior Leader in the Organisation, work with the Cabinets and all Members to lead and develop relationships with key stakeholders in government, business, third sector and communities in Adur and Worthing, creating partnership to influence views and decisions for their benefit.

Contribute to the development and delivery of the Councils' brand, enhancing the overall reputation of Adur and Worthing Councils, and ensuring strong communication of key messages internally and externally.

Build and promote successful partnership working with private, voluntary and other public sector organisations and with service users to deliver more cost-effective and valued services and solutions.

Commission effective and efficient services through a range of direct delivery, innovative partnerships and commercial arrangements which meet the ambitions of our Members and communities.

LEADING SERVICES

Ensure that the Council performs its duties and functions in fulfilment of its statutory obligations. Senior Managers need to ensure that they, and their relevant staff, keep abreast of the Councils' changing legal obligations and policy mandates.

Responsible for ensuring relevant compliance with the Financial Regulations, Contract Procedure Rules, Constitution, Council Procedure Rules and Scheme of Delegations of the Councils.

Promote managerial responsibility for cross-organisational team working, and across boundaries with other agencies and partners, to improve services and solve problems in a coherent and integrated manner.

Ensure that relevant and best professional advice, guidance and information is available in an intelligible and timely fashion to the Cabinet, Scrutiny, all Elected Members, as well as to other stakeholders and client departments.

Sustain and improve the overall reputation of the Councils and act in the best interests of Adur and Worthing through effective representation locally, regionally and/or nationally. A strong advocate and ambassador for Adur and Worthing on the local,

national and international stages.

Contribute to and ensure the preparation of appropriate strategies and plans, in accordance with the relevant corporate and statutory timetables and consultation requirements, coordinating as appropriate with other internal and external stakeholders.

Develop, implement and review appropriate management systems and processes which ensure compliance with the Councils' statutory duties and responsibilities and internal policies and procedures as set out in the constitution of the Councils. This includes equality, diversity, sustainability, human rights, health and safety, community

safety (section 17), data protection and risk management responsibilities. Ensure these are communicated to, and understood by, all staff within the service areas managed.

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LEADING PEOPLE

Empower staff in the legal team to take decisions, and manage risk, encouraging **effective partnering** with clients.

Provide positive leadership, acting with openness, honesty and integrity, and instilling a clear sense of direction, priority and pace.

Define and create an **open, creative and agile culture** for the services and the Councils as a whole, ensuring directorate (and the whole Organisation) values learning, development and the creativity of individuals, teams, projects and programmes.

Lead people in an **inclusive** way to deliver strategic and operational objectives.

Lead, develop and **motivate** staff within the service areas managed, ensuring that appropriate standards of performance and operational effectiveness are implemented and maintained.

Ensure that effective arrangements are in place to secure the overall wellbeing and the health and safety of all employees and people delivering services for the Council.

PERFORMANCE, FINANCE AND RISK

Ensure that all services/functions under the control of the post holder, are delivered within and to **budget**, and that effective, proactive medium-term financial and service

strategy is in place to increase impact, reduce net costs and achieve outcomes.

Ensure staff within the directorate maximise use of the Councils' digital technologies, and become self-supporting through the use of technology and reduced duplication.

Ensure that effective **risk management** arrangements are in place to minimise the Councils' exposure to risk and uncertainty and to identify and seize opportunities.

Be responsible for resilient **business continuity** arrangements, and robust response and recovery arrangements, in the service area of the postholder, in the event of emergencies and critical incidents locally – in accordance with the requirements of the Councils' Emergency and Business Continuity Plans.

8

Promote and ensure compliance with policies and procedures, all statements of required practice for Managers and the Councils' Officer Code of Conduct.

Actively participate in Council audits and investigations. Refer matters to the Councils' auditors and/or corporate risk register where appropriate.

Undertake any self development or training appropriate to the post and within the capability of the post holder.

EXPECTATIONS

To represent the Councils at the highest levels, attending Council and other committee meetings, corporate management team meetings, meetings of outside groups and organisations, and other meetings, as required.

Act always in the best interests of the Council, giving priority to approved strategic objectives and key priorities.

Adhere to all aspects of the Councils' Equal Opportunities Employment Policy and Race Equality Scheme, Equalities legislation and codes of practice, insofar as they affect the post holder as an employee of the Council and in respect of potential staff in order to comply with the law and to promote and maintain good employee relations.

Provide high standards of customer care to both external and internal customers.

Ensure compliance with Health and Safety legislation and the Councils' Safety Policy, practices and procedures. To undertake any duties regarding health, safety and welfare at work, which may be allocated to the post holder as the result of legislation, codes of practice or the Council's policies relating to health and safety.

To undertake any duties regarding emergency and business continuity planning allocated to the postholder. Participate actively in any emergency planning exercise or training made available by the Council.

Adhere to all aspects of the Councils' Officer Code of Conduct.

Adhere to all aspects of confidentiality and data protection in order to comply with the law. Observe all policies and guidelines as defined by the Councils' Data Protection Officer or Service Data Controller.

Demonstrate and encourage a positive approach to public relations in accordance with agreed arrangements.

Comply with agreed policies and guidelines relating to personnel, recruitment, management, discipline or dismissal.

Undertake all duties in accordance with the Councils' policies and ensure that these policies are promoted throughout the service areas managed.

9

Carry out such duties and responsibilities delegated to the post under the Councils' scheme of delegations; arrange for further delegation to other officers as appropriate.

The post holder will be required to undertake such other duties as may be required within the grade and competence of the post holder. Therefore, the list of duties in this Job Description should not be regarded as exclusive or exhaustive.

Duties will be set out in the Job Description but please note that the Council reserves the right to update the Job Description, from time to time, to reflect changes in, or to, the role. The post holder will be consulted about any proposed changes. Significant permanent changes in duties and responsibilities will require agreed revisions to be made to this Job Description.

JOB DESCRIPTION AGREED BY:

Post holder (print name):	
Signature:	
Date:	
Director (print name):	
Signature:	
Date:	

PERSON SPECIFICATION

Criteria	Criteria importance E = Essential P = Preferred
Qualifications	
Degree or equivalent qualification in relevant subject.	E
Practicing Solicitor, Barrister or equivalent.	E
Experience and achievements	
Significant experience (ideally at least 5 years) working at a senior level in a legal services team.	E
Working as a Monitoring Officer or Deputy Monitoring Officer.	P
Successful track record of consistent quality service delivery and improvement.	E
Experience of working effectively in cooperation with a wide range of internal and external clients and partners.	P
Significant experience of building, leading, managing and developing teams.	E
Knowledge of the wide range of local government law.	E
Undertaking investigations into misconduct.	P
Working within a political environment.	P
Experience working as Anti-Money Laundering Officer or Deputy Officer	P
Experience delivering information governance and RFI services	P
Role required competencies and behaviours	
Ability to plan and manage a full and substantial workload of matters that are both complex and diverse, able to prioritise based on a proper assessment of risk and ensure deadlines are met.	E
Ability to develop positive working relationships with Councillors.	E
Experience of driving performance improvement across service.	E
Ability to coach staff and provide training to clients and peers.	P
Ability to develop practical and creative solutions.	E
Sensitivity to the needs of customers, elected members and employees with a customer orientated and flexible approach.	E
Excellent interpersonal skills. Able to communicate effectively and influence others.	E
Excellent writing skills. Able to understand and summarise complex information.	E

Experience of using a case management system.	P
Experience of leading a legal services team through a modernisation or digital transformation programme	P