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EPSOM & EWELL

TOWN HALL

EPSOM

20 November 2017

SIR OR MADAM

I hereby summon you to attend an EXTRAORDINARY meeting of the Council of the Borough of Epsom and Ewell, which will be held at the Town Hall, The Parade, Epsom on **TUESDAY, 28TH NOVEMBER, 2017 at 7.30 pm.** The business to be transacted at the Meeting is set out on the Agenda overleaf.

A handwritten signature in black ink, appearing to read 'S. Young', is written over the printed name.

Head of Legal and Democratic Services

COUNCIL

Tuesday 28 November 2017

7.30 pm

Council Chamber - Epsom Town Hall

For further information, please contact Fiona Cotter, tel: 01372 732124 or email: fcotter@epsom-ewell.gov.uk

FIRE PRECAUTIONS

No fire drill is planned to take place during the meeting. If an alarm sounds, members of the public should leave the building immediately, either using the staircase leading from the public gallery or following other instructions as appropriate. Do not use the lifts.

On leaving the building, please make your way to the Fire Assembly point on Dullshot Green.

AGENDA

1. DECLARATIONS OF INTEREST

To receive declarations of the existence and nature of any Disclosable Pecuniary Interests from Members in respect of any item to be considered at the meeting.

2. APPOINTMENT OF MONITORING OFFICER AND SECTION 151 OFFICER (Pages 3 - 6)

This report sets out the recommendations of the Council's Chief Executive and Head of Paid Service, Kathryn Beldon, and of the Appointment Panel, convened in accordance with the Constitution, regarding the appointment of the Council's Monitoring Officer, and also recommends the appointment of the Section 151 Officer.

Arrangements to Appoint the Council's Monitoring Officer, and Section 151 Officer

Report of the:	Head of Human Resources & Organisational Development
Contact:	Shona Mason
Annexes/Appendices (attached):	None
Other available papers (not attached):	None

Report Summary

This report sets out the recommendations of the Council's Chief Executive and Head of Paid Service, Kathryn Beldon, and of the Appointment Panel, convened in accordance with the Constitution, regarding the appointment of the Council's Monitoring Officer, and also recommends the appointment of the Section 151 Officer.

Recommendation (s)

- (1) That Amardip Healy be appointed as the Council's Monitoring Officer upon commencement of her employment as Chief Legal Officer;
- (2) That in the period from 1 December 2017 until Amardip Healy takes up her role, the Principal Solicitor, Danny Surowiak be appointed Monitoring Officer;
- (3) That Council notes that, with effect from the commencement of employment of the Chief Operating Officer on 2 January 2018, the role of Director of Finance & Resources will cease to form part of the Council's establishment;
- (4) That with effect from 2 January 2018 Lee Duffy be appointed as the Council's Section 151 Officer on a permanent basis while undertaking his substantive role as Head of Financial Services (which will be re-designated as Chief Finance Officer from the same date).
- (5) Authorises the Chief Executive to make arrangements to amend the Council's Constitution to reflect the changes in staffing structure including, for example, re-allocating delegated functions between the Chief Executive, Chief Operating Officer, Chief Finance Officer and Chief Legal Officer, in such ways as she thinks fit.

1 Implications for the Council's Key Priorities, Service Plans and Sustainable Community Strategy

- 1.1 The Council employs staff to give advice, implement decisions and manage the day-to-day delivery of its services. The management structure set out in the Council's Constitution envisages that the organisation will have both a Monitoring Officer and Section 151 Officer.

2 Background

- 2.1 By law, the Council is required to have both Monitoring Officer and Section 151 roles. Both roles enjoy a special statutory protection from dismissal or other disciplinary action.
- 2.2 The roles are a key part of the Council's governance framework, seeking to ensure that all decisions taken by the Council, its committees and officers, are undertaken in accordance with the law.
- 2.3 The Monitoring Officer and Section 151 undertake a number of "Proper Officer" roles within the authority, discharging certain functions.
- 2.4 In relation to the section 151 Officer, this must be held by a person who holds a relevant accounting qualification.

3 Recruitment & Selection Process

- 3.1 Upon the resignation of the current Monitoring Officer/Head of Legal & Democratic Services the Chief Executive commenced a recruitment campaign.
- 3.2 As Head of Paid Service, the Chief Executive was responsible for agreeing the role profile, person specification and advert, which outlined the requirements for the role, re-designated as Chief Legal Officer. This work was undertaken in conjunction with the Head of Legal & Democratic Services, Head of HR & OD and Smartsesarch, the consultants who supported the recruitment process.
- 3.3 The recruitment process included the role being advertised using Smartsearch, Jobsgopublic and the Law Society Gazette, with 9 applications received.
- 3.4 Shortlisting was undertaken by the current Head of Legal & Democratic Services where 5 candidates were selected for interview.
- 3.5 The selection process involved two interviews (one Officer interview and one with the Appointments Panel), technical written assessment, Hogan assessments, presentation and an interview with Heads of Service. All candidates were subject to the same process where their suitability for the role of Chief Legal Officer was assessed against the person specification for the role and scored accordingly.

- 3.6 First stage interviews were undertaken by a panel which consisted of Chief Executive, Head of Legal & Democratic Services and the Head of Property with two candidates selected to be taken forward to the second stage.
- 3.7 Second stage interviews were undertaken by the Appointments Panel with the Chief Executive and Head of HR & OD in attendance. The outcome of these interviews and the Head of Service interviews agreed that Amardip Healy, outperformed the other candidates and should be appointed to the role of Chief Legal Officer, and be the Monitoring Officer.

4 Recommended Appointment

- 4.1 Having been appointed to the role of Chief Legal Officer, it is the recommendation of the Head of Paid Service that Amardip Healy should be appointed to the role of Monitoring Officer, when her appointment takes effect.
- 4.2 Amardip Healy is a qualified Solicitor and has held numerous senior roles during her career in Local Government and the private sector.
- 4.3 Amardip is employed as a Senior Planning Lawyer at the London Borough of Newham and prior to this was employed at Slough Borough Council as Head of Legal Services. Amardip comes with over 20 years' experience of advising and delivering business critical projects in both the public and private sector.
- 4.4 During Amardip's career she has held many legal positions ranging from Legal Services Manager, to Acting Head of Corporate Governance.
- 4.5 With the appointment of Amardip Healy into the role of Monitoring Officer this will ensure that the Council meets its statutory requirements.

5 Interim Arrangements – Monitoring Officer

- 5.1 Simon Young's last date of employment is 12 December 2017. However, due to annual leave, his last day in the office is 1 December 2017. There will therefore be a gap before Amardip takes up her appointment. It is important that the Council has a suitably qualified and experienced person which reflect the needs of the Organisation in the role of Monitoring Officer at all times. It is therefore proposed that the Principal Solicitor, Danny Surowiak be appointed Monitoring Officer with effect from 1 December 2017, and to continue in that role until Amardip commences employment with the Council.

6 Director of Finance and Resources

- 6.1 Following the appointment of the Chief Executive on 7 March 2017, Lee Duffy was appointed as Acting Director of Finance and Resources, and was temporarily appointed as the Council's section 151 Officer.

- 6.2 As Head of Paid Service, the Chief Executive subsequently re-organised staffing resources, leading to the appointment by members of a Chief Operating Officer. The role of Director of Finance & Resources will cease to form part of the establishment on 2 January 2018, when the Chief Operating Officer takes up his role.
- 6.3 At this point, Lee Duffy will revert to his position as Head of Financial Services. It is the recommendation of the Chief Executive that Lee be appointed Section 151 Officer on a permanent basis when he moves back into his substantive role, and that this role be re-designated Chief Finance Officer.

7 Financial and Manpower Implications

- 7.1 **Chief Finance Officer's comments:** *There are no financial implications arising from this report, as the necessary salaries are met from the salaries budget.*

8 Legal Implications (including implications for matters relating to equality)

- 8.1 **Monitoring Officer's comments:** *It is important that the statutory officer roles are fulfilled at all times. The proposals in this report meet our statutory obligations.*

9 Sustainability Policy and Community Safety Implications

- 9.1 None

10 Partnerships

- 10.1 None

11 Risk Assessment

- 11.1 There are no significant risks arising from this report, as all those proposed to be appointed to the key statutory roles have adequate qualifications and experience to discharge their functions.

12 Conclusion and Recommendations

- 12.1 As stated above, Amardip Healy, Danny Surowiak and Lee Duffy have all got the necessary skills and experience to fulfil the roles to which they are proposed for appointment. These appointments must, by law, be made by the full Council. The changes to the Council's establishment necessitate changes to the Council's constitution. It is therefore proposed that the recommendations set out at the top of this report be agreed by Council.

Ward(s) Affected: All