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Contact Officer:

John Armstrong,
Democratic Services and Elections Manager.
Tel: (01483) 444102

22 January 2021

Dear Councillor

Your attendance is requested at a meeting of the **EMPLOYMENT COMMITTEE** to be held Via Microsoft Teams on **MONDAY, 1 FEBRUARY 2021** at 4.30 pm.

Yours faithfully

James Whiteman
Managing Director

MEMBERS OF THE COMMITTEE

Councillor Caroline Reeves (Chairman)
Councillor Joss Bigmore
Councillor Paul Spooner

Authorised Substitute Members:

| | |
|--------------------------------|---------------------------|
| Councillor Tim Anderson | Councillor Nigel Manning |
| Councillor Christopher Barrass | Councillor Marsha Moseley |
| Councillor David Bilbé | Councillor John Redpath |
| Councillor Graham Eyre | Councillor John Rigg |
| Councillor Jan Harwood | Councillor Fiona White |

QUORUM 3

WEBCASTING NOTICE

This meeting will be recorded for live and/or subsequent broadcast on the Council's website in accordance with the Council's capacity in performing a task in the public interest and in line with the Openness of Local Government Bodies Regulations 2014. The whole of the meeting will be recorded, except where there are confidential or exempt items, and the footage will be on the website for six months.

If you have any queries regarding webcasting of meetings, please contact Committee Services.

THE COUNCIL'S STRATEGIC FRAMEWORK

Vision – for the borough

For Guildford to be a town and rural borough that is the most desirable place to live, work and visit in South East England. A centre for education, healthcare, innovative cutting-edge businesses, high quality retail and wellbeing. A county town set in a vibrant rural environment, which balances the needs of urban and rural communities alike. Known for our outstanding urban planning and design, and with infrastructure that will properly cope with our needs.

Three fundamental themes and nine strategic priorities that support our vision:

- | | |
|---------------------|--|
| Place-making | Delivering the Guildford Borough Local Plan and providing the range of housing that people need, particularly affordable homes |
| | Making travel in Guildford and across the borough easier |
| | Regenerating and improving Guildford town centre and other urban areas |
| Community | Supporting older, more vulnerable and less advantaged people in our community |
| | Protecting our environment |
| | Enhancing sporting, cultural, community, and recreational facilities |
| Innovation | Encouraging sustainable and proportionate economic growth to help provide the prosperity and employment that people need |
| | Creating smart places infrastructure across Guildford |
| | Using innovation, technology and new ways of working to improve value for money and efficiency in Council services |

Values for our residents

- We will strive to be the best Council.
- We will deliver quality and value for money services.
- We will help the vulnerable members of our community.
- We will be open and accountable.
- We will deliver improvements and enable change across the borough.

AGENDA

ITEM

1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

2. LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS

In accordance with the local Code of Conduct, a councillor is required to disclose at the meeting any disclosable pecuniary interest (DPI) that they may have in respect of any matter for consideration on this agenda. Any councillor with a DPI must not participate in any discussion or vote regarding that matter and they must also withdraw from the meeting immediately before consideration of the matter.

If that DPI has not been registered, the councillor must notify the Monitoring Officer of the details of the DPI within 28 days of the date of the meeting.

3. MINUTES (Pages 5 - 6)

To confirm the minutes of the meeting of the Employment Committee held on 9 September 2020.

4. ELECTION OF VICE-CHAIRMAN OF THE COMMITTEE FOR 2020-21

The seat allocated to the Residents for Guildford and Villages Group on this Committee has now been filled by Councillor Joss Bigmore, in place of Councillor John Rigg.

As Councillor Rigg was elected Vice-Chairman of the Committee by the Council in May 2020, Council Procedure Rule 29 (b) provides that if, during the course of a municipal year, a councillor is no longer appointed as a member of the committee to which he or she was elected chairman or vice-chairman, the election of his or her successor for the remainder of that municipal year shall be conducted by the Committee at its next meeting.

5. DESIGNATION OF THE COUNCIL'S MONITORING OFFICER (Pages 7 - 12)

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EMPLOYMENT COMMITTEE

- * Councillor Caroline Reeves (Chairman)
- * Councillor John Rigg (Vice-Chairman)
- * Councillor Paul Spooner

*Present

Councillor Joss Bigmore was also in attendance.

EM7 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

There were no apologies for absence.

EM8 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS

There were no disclosures of interest.

EM9 MINUTES

The minutes of the meeting held on 12 June 2020 were confirmed as a correct record.

EM10 EXCLUSION OF THE PUBLIC

The Committee

RESOLVED:

That under Section 100A(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 involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A to the 1972 Act.

EM11 APPOINTMENT OF DIRECTOR OF STRATEGIC SERVICES

The Committee noted that the Council had commissioned Penna Plc to undertake the recruitment campaign for the vacant Director of Strategic Services position. Penna had sourced the best candidates for the role through head hunting and social media marketing.

Following the search campaign, six applicants had been assessed as suitable for longlisting, although one of these had subsequently withdrawn from the process.

The Committee had before them details of the technical interview assessments, CVs and personal statements in respect of each of the five remaining applicants who had been shortlisted and invited for final interview by the Committee.

Having conducted the final interviews of shortlisted candidates, the Committee

RESOLVED: That, subject to no well-founded objections being received from the Leader of the Council in accordance with the provisions of Paragraph 5 of Part II of Schedule 1 to the Local Authorities (Standing Orders) (England) Regulations 2001, Dawn Hudd, currently Assistant

Director, Physical and Cultural Regeneration, at Medway Council, be appointed as Director of Strategic Services.

The meeting finished at 5.30 pm

Signed

Chairman

Date

Employment Committee Report

Ward(s) affected: n/a

Report of the Head of Paid Service

Author: John Armstrong

Tel: 01483 444102

Email: john.armstrong@guildford.gov.uk

Date: 1 February 2021

Designation of Monitoring Officer

Executive summary

Councillors will be aware that Sarah White, the Council's Monitoring Officer will be leaving the Council on 24 February 2021.

Consequently, it will be necessary to designate an officer as the Monitoring Officer. In accordance with Officer Employment Procedure Rule 4 (a), the formal designation of the Monitoring Officer is undertaken by full Council on the recommendation of the Employment Committee.

The Committee is invited to consider this matter and endorse the recommendation below.

Recommendation (to Council: 10 February 2021)

That Diane Owens (Lead Specialist – Legal) be designated as the Monitoring Officer for the Council with effect from 25 February 2021.

Reason for Recommendation:

To comply with the requirements of the Local Government and Housing Act 1989 (as amended).

Is this report (or part of it) exempt from publication? No

1. Purpose of Report

1.1 To ask the Committee to recommend to full Council that an officer of the Council be designated as the officer responsible for performing the duties imposed by Section 5 of the Local Government and Housing Act 1989 (as amended), that is, the Monitoring Officer.

2. Background

2.1 Under Section 5 of the Local Government and Housing Act 1989 (as amended) ("the 1989 Act"), the Council has a duty to designate one of its officers as Monitoring Officer.

2.2 The Monitoring Officer has a number of statutory duties and responsibilities relating to the Council's Constitution and our arrangements for effective governance. These duties include maintaining the Constitution, ensuring that no decision or omission of the Council is likely to give rise to unlawfulness or maladministration and promoting high standards of conduct. A full

list of the Monitoring Officer's responsibilities and delegated powers is included within the Council's Constitution (see Part 2 (Article13)).

3. Designation of Monitoring Officer

- 3.1 A local authority has general flexibility to appoint whatever officers it thinks fit. Despite this general flexibility, there are a number of statutory exceptions.
- 3.2 The 1989 Act (Section 5) provides that the Council must designate one of its officers to be the Monitoring Officer to check on the correctness and propriety of the authority's decisions. The Monitoring officer may not also be the Head of Paid Service or the Council's Chief Finance Officer. The Monitoring Officer has power, under Section 5A of the 1989 Act, to nominate deputies.
- 3.3 Sarah White, the Council's Monitoring Officer will be leaving the Council on 24 February 2021. Sarah shared the post of Lead Legal Specialist with Diane Owens who is currently one of the Council's Deputy Monitoring Officers, as part of a job-sharing arrangement. Officers are currently consulting with legal services staff on restructuring the legal services team. The proposed structure predominantly reverts back to the structure proposed and consulted upon as part of Future Guildford Phase A. The Future Guildford Phase A structure of the legal services team can be found in Appendix 1, the current structure of the service can be found at Appendix 2 and the proposed structure currently being consulted on can be found in Appendix 3.
- 3.4 Under the Council's staffing structure, the post of Lead Legal Specialist is the post which Officer's deem most appropriate to be designated as the Council's Monitoring Officer as the role is the Council's most senior legal officer and solicitor. Whilst there is no specific requirement for the most senior solicitor or legal officer of any Council to be the Monitoring Officer it is common practice for the monitoring officer to be a fully qualified solicitor given that part of the role of the monitoring officer is to ensure the Council's compliance with laws and regulations. The monitoring officer has three main duties:
- 1) To report on matters he or she believes are, or are likely to be, illegal or amount to maladministration
 - 2) To be responsible for matters relating to the conduct of councillors and officers; and
 - 3) To be responsible for the operation of the Council's constitution
- 3.5 The role of Lead Legal Specialist requires the post holder to be a qualified solicitor with significant post qualification experience and experience of working in a public sector environment. The Lead Legal Specialist is the 'head of profession' for legal services at the Council. Whilst it is common for the Monitoring Officer to be a Council's most senior solicitor, it is not an absolute requirement. At Guildford Borough Council in the past, the role has normally been held by the Council's most senior legal officer with the exception of the period of time, between September 2011 and December 2014 when the then, Head of Corporate Development, Martyn Brake, held the role of Acting Monitoring Officer. Practice at other councils has found that other roles sometimes designated as Monitoring Officer can be roles such as Director of Corporate Services, Director of Governance & Democratic services (where the role is at Director Level then tends to sit with the Director responsible for Legal Services and often Democratic Services as well), or Head of Democratic & Elections Services. The Council does not have a Deputy Chief Executive or Director of Corporate Services or Director of Governance & Democratic Services. The Director currently responsible for legal services is the Director of Resources, who is the Council's Section 151 Officer and therefore cannot legally hold both statutory roles.

- 3.6 In accordance with Officer Employment Procedure Rule 4 (a), the formal designation of the Monitoring Officer is undertaken by full Council on the recommendation of this Committee.
- 3.7 It is recommended that Diane Owens (Lead Specialist – Legal) be designated as the Monitoring Officer for the Council with effect from 25 February 2021 on the basis that she is currently the Senior Deputy Monitoring Officer and already holds the post of Lead Legal Specialist. Diane is a qualified solicitor with many years of local government experience at a number of different councils in relation to both legal services and monitoring officer duties. The other Deputy Monitoring Officers at the council have stated that they are not interested in taking on more responsibility and becoming the Monitoring Officer themselves and in at least one case, is likely to retire soon.
- 3.8 Under Section 5 (7) of the 1989 Act, the duties of the Monitoring Officer may, whenever he or she is unable to act owing to absence or illness, be performed by a nominated deputy or deputies. Joan Poole and Bridget Peplow will continue in their current Deputy Monitoring Officer roles.

4. Financial Implications

- 4.1 The Monitoring Officer and Deputy Monitoring Officer are paid honoraria of £5,300 and £1,500 per annum respectively, which are met from existing budgets.

5. Legal Implications

- 5.1 These are set out in the report.

6. Human Resource Implications

- 6.1 There are no further human resource implications.

7. Background Papers

None

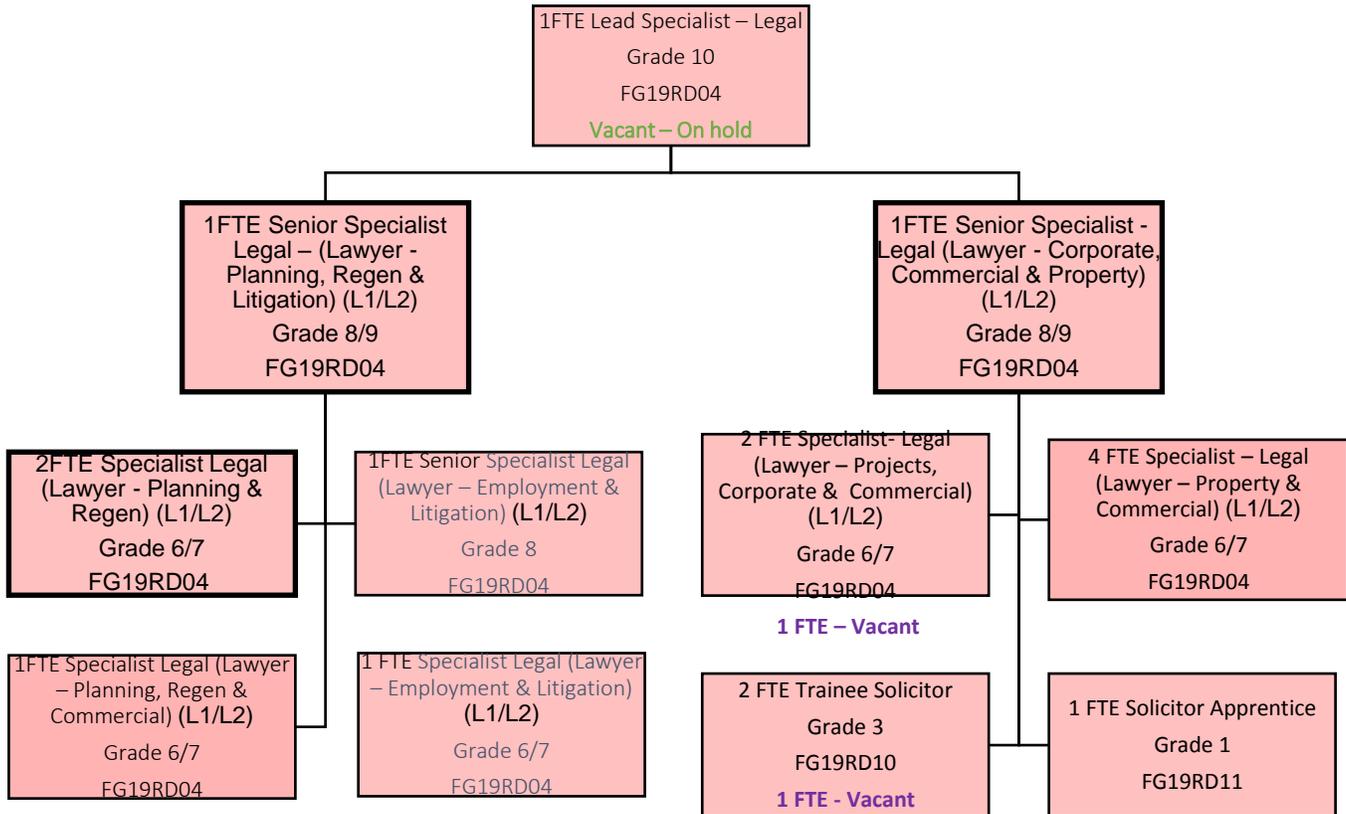
8. Appendices

Appendix 1: Future Guildford Phase A – Legal Services Structure

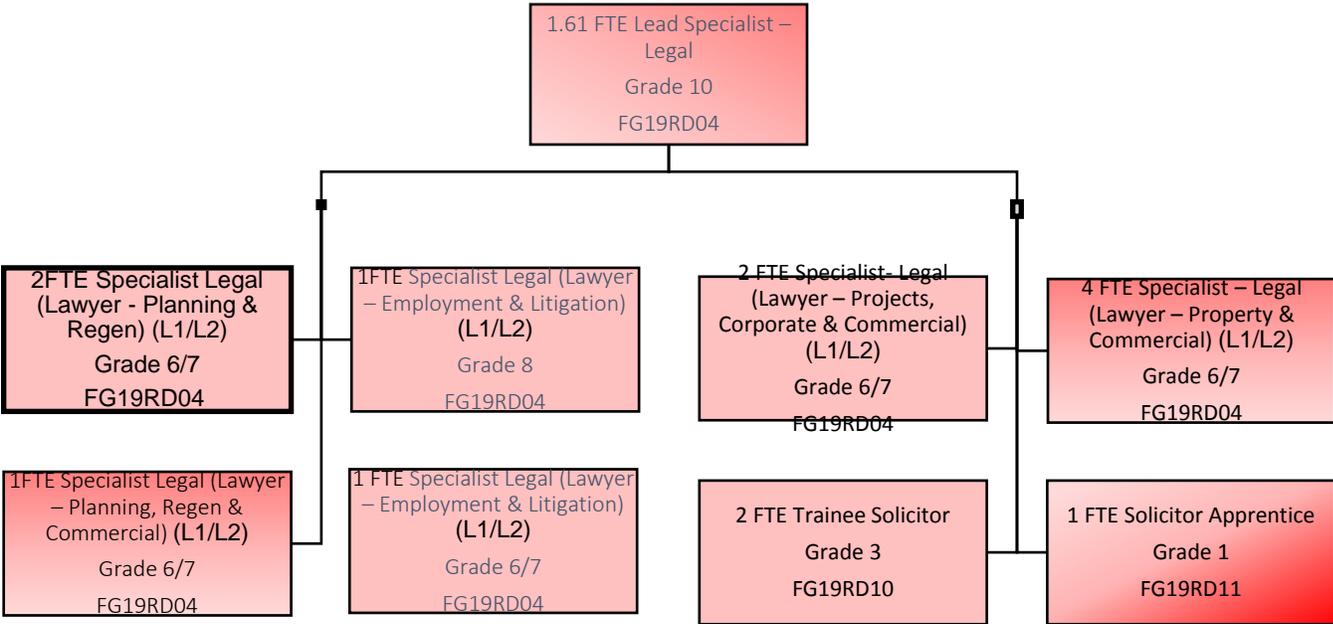
Appendix 2: Current legal services structure

Appendix 3: Proposed Legal Services structure – currently being consulted on with staff

Appendix 1 - Future Guildford Phase A – Legal Services Structure



Appendix 2 – Current legal services structure



Appendix 3 – Proposed Legal Services structure – currently being consulted on with staff

