

Committee: Appointments Committee

Date:

Agenda item: 4

Wards: All

Subject: Appointment to the post of Head of Civic and Legal Services

Lead officer: Dean Shoesmith, Head of Human Resources

Lead member: Chair of Appointments Committee and Cabinet Member for Strategic Resources and Performance

Key decision reference number:

Recommendations:

- A That the Committee approves the job description and person specification, and the recruitment process, for the post of Head of Civic and Legal Services
 - B That the Committee ratifies the appointment of Councillors Williams, George and Martin as members of the formal interview panel for the post of Head of Civic and Legal Services
 - C That the Committee approves the proposal to pay a market supplement if feedback is received that this is required to attract the best candidate
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1. Purpose of report and executive summary

- 1.1 The post of Head of Civic and Legal Services is currently filled by an interim and the recruitment process to this post needs to be agreed.
- 1.2 The purpose of this report is to approve the job description and person specification, and the associated recruitment process.
- 1.3 In addition, the Committee is asked to ratify the appointment of Councillors Williams, George and Martin as members of the formal interview panel.

2. Details

- 2.1 The job description and person specification for the post of Head of Civic and Legal Services (Appendix One) are to be agreed.
- 2.2 The recruitment campaign for the post of Head of Civic and Legal Services is to be handled by GatenbySanderson. GatenbySanderson have recruited to similar posts at the London Boroughs of Camden, Hillingdon and Tower Hamlets.
- 2.3 GatenbySanderson have been asked to undertake a search exercise only in order to recruit to the post. As such, a recruitment advertisement will not be placed in any press. Council officers will be notified that a search exercise has been initiated and contact details given, in order to ensure any internal candidates wishing to be considered for the role are given due consideration.
- 2.4 GatenbySanderson will conduct a search of suitable candidates and will pass all applications received to Merton for longlisting. Those longlisted will then be

invited to a preliminary interview. Candidates will then go through a shortlisting process upon which those shortlisted will be invited to sit further assessments i.e. psychometric tests and attend final interviews.

- 2.5 A proposed timetable for Appointment Committee decisions is attached (Appendix Two).
- 2.6 It is proposed that Councillors Williams, George and Martin are appointed as members of the formal interview panel.
- 2.7 That the Committee approves the proposal to pay a market supplement if feedback is received that this is required to attract the best candidate.

3. Financial, resource and property implications

- 3.1 The costs of procuring the Head of Civic and Legal Services are discussed at the addendum to this report and is exempt from disclosure

4. Legal and statutory implications

- 4.1 The recommendation contained within this report are designed to ensure that the Council meets its statutory obligations to appoint staff on merit pursuant to the Local Government & Housing Act 1989. This means that the procedure should be capable of objective justification.
- 4.2 The Head of Civic and Legal Services is also the Monitoring Officer and there is a statutory requirement under Section 5 of the Local Government and Housing Act 1989 to have a Monitoring Officer.
- 4.3 This post is covered by the Employee Procedure Rules (part 4H) of the constitution. The Appointments Committee is responsible for appointing to the post of Head of Civic and Legal Services. Once the recruitment process is completed in accordance with the Council's recruitment procedures an offer of appointment cannot be made by the Appointments Committee until the Committee has notified the Chief Executive of the name of the person to whom the Committee wishes to make an offer. The Chief Executive is then to notify the details to every member of the Cabinet. The appointment will only be made where no material or well founded objections from the Cabinet have been received. Committee should therefore build this process in the recruitment planning.
- 4.4 In all other respects the process must comply with the Council's recruitment procedure.

5. Human rights, equalities and community cohesion implications

- 5.1 The contents of this report are designed to ensure that the Council's processes are human rights and equalities compliant.
- 5.2 It is unlawful to discriminate on grounds of gender, race, disability, age, religion and belief and sexual orientation. This refers to both direct and indirect discrimination. In effect the process has to be evaluated against three tests (1) intention (2) method (3) effect. Where there is an **intention** to discriminate on any of the prohibited grounds, this would be unlawful. Where there is no such intention but the recruitment **methods** used are discriminatory, then the outcome may be open to challenge. Where the intention and method are sound but the

effect is shown to have disproportionate effect on a particular category of applicant then the outcome may be open to challenge.

5.3 Committee is invited to satisfy itself that the procedures operate as designed. Committee should therefore be satisfied that the advertisement and shortlisting and appointment criteria are objective in order to assist in objective justification of the final decision.

6. Risk management and health and safety implications

6.1 None

7. Appendices – the following documents are to be published with this report and form part of the report

7.1 Appendix One: job description and person specification

7.2 Appendix Two: overview recruitment timetable

8. Background Papers – the following documents have been relied on in drawing up this report but do not form part of the report

8.1 None

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10. Useful links

10.1 Merton Council's Web site: <http://www.merton.gov.uk>

10.2 Readers should note the terms of the legal information (disclaimer) regarding information on Merton Council's and third party linked websites.

10.3 <http://www.merton.gov.uk/legal.htm>

10.4 This disclaimer also applies to any links provided here.

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Appendix One – job description and person specification



**LONDON BOROUGH OF MERTON
CORPORATE SERVICES DEPARTMENT
JOB DESCRIPTION**

POST TITLE:	Head of Civic and Legal Services
Grade:	MG4
DIVISION/SECTION:	Corporate Services
Location:	Civic Centre, Morden
Responsible to:	Director of Corporate Services
Responsible for:	Corporate Law & Procurement Principle Lawyer Litigation & property Principle Lawyer Business & Marketing Manager Electoral Services Manager Democratic Services Manager Local Land Charges Registrars Mayor's Office Data Protection and Freedom of Information
Post number: T2000	Date: 25/05/05

MAIN PURPOSE

- To lead the Council's Civic and Legal Services
- To act as the Council's Monitoring Officer

MAIN DUTIES AND RESPONSIBILITIES

- To provide advice to the Council, the Chief Executive, the Chief Officers Management Team (CMT) and managers across the council and to ensure that all legal advice given by the legal division is timely, appropriate, accessible to the lay person and of high quality.
- To manage the Division in the provision of quality cost effective services and to ensure that the services provided are regularly reviewed with service users to ensure their needs are met. To ensure the development of performance management procedures within the Division to enable quality assurance.
- To manage the budgets of the Division ensuring the appropriate monitoring and financial control procedures are in place.
- To participate in the development of Council policy, procedures and Standing Orders as appropriate ensuring the appropriate monitoring and financial control procedures are in place.
- To participate in and lead as appropriate, intra and inter departmental working parties and to ensure that such groups receive appropriate contributions from the Division.
- To manage the staff of the Division ensuring that recruitment, training, development, appraisal and other management activities are carried out in accordance with Council policy. To ensure that appropriate professional development is undertaken by all staff as necessary and that the division maintains an awareness of all developments in legislation and case law (both UK and EU) that have a bearing on the Council's operation.
- To promote a supportive and positive working ethos, which follows the directions of members, a sensitive approach to staff management and which supports the delivery of quality services, meeting the needs of the whole community and providing genuine equality of opportunity.
- To ensure that the Council is provided with appropriate legal representation or advice as necessary, either from within the division or from external sources if appropriate.
- To act as the proper Officer for receipt and registration of Members' interests in accordance with the Local authorities (Members' Interests) Regulations 1992 and the Council's Register or Pecuniary Interests of Senior Staff.
- To ensure the effective implementation of strategies for maintaining the Council's compliance with the 1998 Data Protection Act, Freedom of Information Act and Human Rights Act.
- To ensure proficient management of the Mayor's Office.

- To ensure the effective implementation of the Council's Equal opportunity Policy in all aspects of the division's work.
- To ensure that the Council's health and Safety policies are brought to the attention of all staff in the division, that staff receive appropriate health and safety training and that any issue of concern relating to unsafe practices or the inadequacy of health and safety procedures are brought to the attention of the Principal Health & Safety Manager.
- To champion Data Quality in the Department, proactively appraising data produced by the Department for robustness, ensuring that Data Quality issues are addressed, and corporate reporting requirements are met, as set out in the council's Data Quality Strategy."
- Any other duties as requested by the Director

May 2005



**LONDON BOROUGH OF MERTON
CORPORATE SERVICES DEPARTMENT
PERSON SPECIFICATION**

POST TITLE: HEAD OF CIVIC AND LEGAL SERVICES

Grade: MG4

Date: 25/05/05

Education and Experience

- Qualification as a Solicitor or Barrister or equivalent experience fitting an applicant for the role
- Comprehensive working knowledge of the law affecting local government and its trends and development in the UK and EU
- Management experience at a senior level within a large complex organisation
- Proven success in the management of change

- Experience of providing direct advice to members of a Council/Board Members on legal issues both in public meetings and through presentation, briefing reports etc
- Experience of contributing to corporate decision-making and development of corporate policy/strategy
- Experience of budget management including planning, forecasting, monitoring and financial control procedures

Knowledge, Skills and Abilities

- Ability to advise on the development and implementation of policies, practices and procedures in line with good practice and UK/EU law
- Well-developed analytical skills
- Well-developed advocacy skills
- Proven experience of problem solving
- A clear understanding of ways in which the Council's policy of equality in employment and service provision can be reflected in all aspects of work of the division
- An ability to develop an understanding of the Council's core values and relate them to the work of the authority
- Ability to attend evening and weekend meetings as appropriate

Personal Style and Behaviour

- Personal and professional credibility
- Open-minded and adaptable
- Resilient and persuasive
- High levels of energy and commitment
- A high level of political judgement
- A high degree of probity and integrity
- An innovator and forward thinker

May 2005

Appendix Two – overview of recruitment timetable

Search period	5th November –5 th December
Closing date	5th December
Longlist meeting	W/C 8th December
Technical interviews	W/C 15th December
Shortlist meeting	W/C 5th January
Further assessment - Psychometric testing	W/C 12 th January
Stakeholders and final interviews	W/C 26th January