

**REPORT FOR: Chief Officers'
Employment Panel**

Date of Meeting: 2 March 2015

Subject: Remuneration Package of £100,000 or greater.

Responsible Officer: Tom Whiting, Corporate Director of Resources

Exempt: No

Enclosures: Appendix A: Revised role profile for the Director of Legal & Governance Services

Section 1 – Summary and Recommendations

This report seeks Chief Officers' Employment Panel approval for a change to the role profile and remuneration for the Director of Legal & Governance Services.

Recommendations:

The Panel is requested to approve the revised role profile (Appendix A) and change to the remuneration for the Director of Legal & Governance Services, subject to Cabinet approval of the expansion of the legal practice.

Section 2 – Report

Background

1. The Localism Act 2011 (the Act) introduced the requirement for Local Authorities to agree and publish an annual Pay Policy Statement commencing 2012/13. The Department for Communities and Local Government (DCLG) also published statutory guidance on ‘Openness and accountability in local pay’.
2. On 20th February 2013, the DCLG issued supplementary statutory guidance ‘Openness and accountability in local pay: Guidance under section 40 of the Localism Act 2011’. Authorities in England are required to take account of the supplementary guidance when preparing their pay policy statements for 2013-14 and each subsequent financial year.
3. The DCLG guidance is that full Council should be asked to determine whether it wishes to vote on any remuneration package or payment on termination of employment amount to £100,000 or greater.
4. The Council delegated authority to the Chief Officers’ Employment Panel for determination of any remuneration package of £100,000 or greater

This report seeks approval for a change to the role profile and remuneration for the Director of Legal & Governance Services.

Current Remuneration

5. The post of Director of Legal & Governance Services sits within the Resources Directorate and reports directly to the Corporate Director of Resources.
6. The post holder is a member of Harrow’s Corporate Board and also undertakes the statutory role of Monitoring Officer and is the Council’s Returning Officer.
7. The post holder’s current pay grading has been established through job evaluation at Grade D2; the pay scale for this grade is set out below:

D2	1	100,668
	2	103,722
	3	106,806
	4	110,010
	5	113,325

8. The post holder is also in receipt of the following payments:
 - i. An honorarium of £5,137 pa for undertaking the statutory role as Monitoring Officer

- ii. An Essential Car User Allowance annual lump sum payment of up to £620 p.a. and payment for mileage undertaken on Council business at the rate of 45p per mile.
- iii. Fees relating to the duties of the Council's Returning Officer

Reason for Change

9. In September 2012 the Council established a shared legal service with LB Barnet – 'HB Public Law'. The service is led by the Director of Legal & Governance Services and although, in establishing the new practice, a number of other management posts were changed and subject to re-evaluation, the job description of the Director of Legal & Governance Services was not updated to reflect their additional responsibilities.
10. In 2013 HB Public Law entered into a partnership with Bevan Brittan, a national law firm, the relationship with which is led by the post holder.
11. In 2014, the Council established HB Public Law Ltd, a private limited company able to offer legal services outside the public sector, and this introduced additional responsibilities and accountabilities for the post holder, who is its Chief Executive and Director. These accountabilities include personal financial liability.
12. Cabinet has recently agreed that HB Public Law be further expanded to incorporate Hounslow's legal practice, and to discharge Hounslow's legal function. Additionally the Council is in the final stages of negotiating with a County Council for the post holder to also manage their legal practice, with a view to creating a larger shared practice.
13. The above developments will both improve the quality and resilience of the legal service to the Council, and bring in at least the revenue assumed in the Council's MTFs. Subject to Cabinet agreement, the Council will also be paid for making the post holder available to run the County Council's legal practice, which will offset a significant proportion of their salary costs.
14. The post holder has requested that their role profile and if appropriate grade be reviewed based on the expanded duties and responsibilities of leading the extended shared service.
15. The draft revised role profile (Appendix A) has been agreed with the Corporate Director of Resources and reflects the changes in duties and responsibilities that arise from the proposed expansion of the legal service. Some of these additional responsibilities are already being undertaken, the rest will take effect as and when the proposals are implemented.
16. The evaluation of the revised role profile has been undertaken by both the Director of Human Resources and reviewed by the Hay Group, who designed the job evaluation scheme used by the Council.

Change in Remuneration

17. The Council's Pay Policy is that pay grading is established through job evaluation. The revised role profile has been evaluated at Grade CD1 (D3); the salary scale for this grade is the subject of a separate report to the COEP on this agenda and if the recommendation is agreed the pay scale for this grade will be as set out below:

D3	1	113,622
	2	117,717
	3	119,343
	4	122,922
	5	125,326

18. The post holder will continue to receive the following payments:

- i. An honorarium of £5,137 pa for undertaking the statutory role as Monitoring Officer
- ii. An Essential Car User Allowance annual lump sum payment of up to £620 p.a. and payment for mileage undertaken on Council business at the rate of 45p per mile.
- iii. Fees relating to the duties of the Council's Returning Officer

19. The Chief Officers' Employment Panel is therefore recommended to approve the revised role profile (Appendix A) and the change in remuneration for the Director of Legal & Governance Services as set out above.

20. A summary of the remuneration packages approved by the Chief Officers' Employment Panel will be reported for information to full Council.

Implications of the Recommendation

21. Subject to Cabinet approval of the expansion of the legal practice, the remuneration for the Director of Legal & Governance Services will be changed as set out above.

Equalities impact

Not applicable.

Legal comments

To avoid any potential conflict of interest I had access to external solicitors for advice, if required. The question of the pay for this post is a matter for the COEP and there are no additional legal comments.

Financial Implications

The change in grade for the Director of Legal and Governance Services will result in an increased pay cost of £17.5k, which will need to be more than

offset by the margin of income over costs received for running another authority's legal practice for this proposal not to result in an increased cost to Harrow's General Fund budget. The full financial implications for running another authority's legal practice will be set out within the report seeking Cabinet approval of the expansion of the legal practice.

Council and Cabinet are set to approve a budget in the coming weeks that assumes additional efficiencies to the General Fund budget of £144k for 2015/16 from the expansion of the Legal practice.

Section 3 - Statutory Officer Clearance

Name: Simon George	<input checked="" type="checkbox"/>	Chief Financial Officer
Date: 9 February 2015		
Name: Linda Cohen	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 18 February 2015		

Section 4 - Contact Details and Background Papers

Contact:

Tom Whiting, Corporate Director of Resources

Email: tom.whiting@harrow.gov.uk

DD: 02084209484

JOB DESCRIPTION / ROLE PROFILE

Job Title:	Director of Legal and Governance Services
Grade:	Director
Directorate:	Resources
Division / Section:	Legal and Governance
Reports to:	Corporate Director of Resources
Date:	February 2015

1 ROLE PURPOSE

This post is responsible for the strategic and general management of the Legal & Governance Division, the development and expansion of HB Public Law and the discharge of specific statutory functions, in line with priorities laid out in the Corporate Plan and departmental service plans.

The post is a member of the Corporate Strategic Board responsible for establishing and implementing a vision for Harrow in the development of its services, organisation and workforce.

HB Public Law provides legal services to both Harrow and a number of other local authorities and other public sector clients. Harrow is ambitious to expand the Practice in the future.

The post works as part of the Resources Management Team alongside Customer Service & IT, Human Resources & Development, Strategic Commissioning, Finance & Governance and Procurement and Commercial Services.

The post holder is the Chief Executive and a Director of HB Public Law Ltd, a regulated legal practice.

2 DIMENSIONS

Budget - Responsible for the effective management of £14.4 million:

- A total revenue budget in the order of £8m
- A total revenue income budget in the order of £6.4m in 2015/16

Staff - Responsible for:

- Direct Reports 4
- Overall Staff Numbers 100 (including those providing services to other local authorities)

Other relevant dimensions

Responsible for delivering services to and acting as a senior officer in a number of local authorities and accountable to a Board made up of Chief Officers from those authorities.

Several of the functions and appointments are personal to the post holder, and are discharged independently of any employment with Harrow. The Authority has agreed to indemnify the post holder in respect of any liabilities arising from those appointments. The appointment as Monitoring Officer affords specific employment protection, and in acting as Solicitor to the Council the post holder is governed by the rules of the Law Society.

Responsible for discharging the responsibilities of Chief Executive and a Director of HB Public Law Limited - a regulated legal practice. Both roles carry personal liability in the event of non-compliance up to £50m

3 CONTEXT

Fulfill the following statutory roles and ensure that the associated statutory duties are discharged:

- Solicitor to the Council;
- Registrar of Land Charges;
- Proper Officer for Births, Deaths & Marriages;
- Monitoring Officer under s5 Local Government & Housing Act 1989;
- Electoral Registration Officer under the Representation of the People Act 1983;
- Returning Officer under s41 of the Local Government Act 1972;
- RIPA Monitoring Officer responsible for compliance with the Regulation of Investigatory Powers Act 2000 and related legislation;
- Honorary Secretary to the Mayor of Harrow's Charity and the Edward Harvist Trust;
- Register organisations under the Gambling, and Lotteries and Amusement Acts;
- Execute and seal documents in accordance with Article 14.05 of the Constitution; and
- Discharge the Authority's Powers and meet its responsibilities as set out in Part XI Local Government Act 1972.

Lead and direct the strategic and general management of the following services on behalf of the Council:

- In-house Legal Practice
- Corporate Governance
- Democratic support to the Council's decision-making process
- Registration of Births, Deaths & Marriages

- Citizenship Services
- Mayoralty
- Political Group Office Support
- Elections
- Electoral Registration
- Land Charges
- Ombudsman Complaints
- Constitution & Scheme of Delegation
- Members' Post & Committee Room Booking

Lead and direct the delivery of services provided to other organisations by HB Public Law and HB Public Law Limited ensuring compliance with contract and regulatory requirements.

Lead the development and expansion of the legal Practice

4 MAIN DUTIES / ACCOUNTABILITIES

ALL MANAGERS

	Generic Duties/Accountabilities
1.	Ensure compliance with your responsibilities as laid out in the council's equal opportunity policy and take an active role in promoting and enabling equality of opportunity, promoting the diverse needs and aspirations of Harrow's community, ensuring equality and diversity is mainstreamed in all service/directorate activities.
2.	Ensure compliance with your responsibilities as laid out in the council's health and safety policy and take an active role in promoting a positive health and safety culture.
3.	Promote and participate in the council's investors in people (IiP) and individual performance appraisal and development (IPAD) initiatives.
4.	Ensure compliance with the council's information security policies and maintain confidentiality.
5.	Lead and manage the Division so that services provided are responsive to customer requirements, accessible to all areas of the community, and provide value for money.
6.	Develop the structures, systems and policies, necessary to support effective service delivery and to enable "continuous improvement".
7.	Where appropriate, and in conjunction with other service providers, undertake joint planning of service delivery and/or for the closer integration of service provision.
8.	Promote, develop and maintain effective contacts and relationships with customers, customer representatives, community groups, Council Members and service/operational partners, to facilitate service delivery, performance review and the continuous development of service provision.
9.	Lead, motivate, train, develop and performance manage staff, to maintain an effective workforce capable of meeting service objectives.
10.	Resolve the most complex issues within the professional area(s) managed so that they are resolved effectively and precedents are set for the resolution of similar issues.

11.	Formulate annual operational plans and budgets for the function so that there are clear priorities and appropriate resources are allocated to their achievement.
12.	Develop longer term (2-3 years) plans for the services managed so that they are developed in line with Council and Government priorities and customer requirements.
13.	Prepare monitor and control Divisional budgets to ensure that income/expenditure is in line with agreed plans.
14.	Ensure that capital expenditure, including all projects funded externally, is completed in accordance with agreed schedules.
15.	Manage inter-directorate and inter-agency projects undertaking leadership of multi-disciplinary and multi-agency teams to achieve agreed objectives.
16.	Implement, maintain and develop Performance Management Systems to meet Statutory and Corporate reporting requirements.
17.	Evaluate the environmental impacts of services and take action to minimise these impacts over time.
18.	Support the operation of local and general elections when requested by the Returning Officer.
19.	Contribute to the overall management and strategy of the Directorate.

Service Specific/Special Accountabilities	
1.	Support the Standards Committee to discharge both current and anticipated responsibilities
2.	Maintain the Constitution and ensure it is fit for purpose
3.	Maximise the income to be derived from services
4.	Support the Leader of the Council in upholding high standards of Councillor behaviour
6.	Comply with Electoral Commission performance standards for Electoral Registration Officers & Returning Officers, exceeding them where resources allow
7.	Develop and implement quality assurance measures to underpin service delivery and minimize risk
8.	Personally undertake and advise on the most high profile matters supported by the Practice which are affecting the Council
9.	Act as the Council's RIPA Monitoring Officer so that it complies with the Regulation of Investigatory Powers Act 2000 and related legislation
10.	Develop links with peers in other authorities to maximise the opportunities of shared working & procurement and the development of new ideas
11.	Support the London Boroughs' Legal Alliance and ACSeS where this is of benefit to the role and the Council
12.	Provide updates and training to Councillors and officers so that they are aware of and can take advantage of new legislation.
13.	Ensure that the Constitution is kept up to date and is fit for purpose
14.	Contribute to the Corporate Strategy Board other corporate initiatives as appropriate to the role
15.	Support the Council's Emergency Response function as Duty Director as and when timetabled
16.	Act as 'Deputy Gold' in support of the Chief Executive as part of London's Emergency Response function

The post holder must be a qualified Solicitor with both a current Practising Certificate and substantial, senior level, post qualification experience of UK Local Government Law including Governance Law. Experience of managing: the diverse range of services delivered by the Department; budgets and fundamental change are essential. Political acumen and sensitivity are key to the successful discharge of the Monitoring Officer role. A relevant management qualification and evidence of continuing professional and personal development are also important.

Form Completed by:

Name:	_____
Designation:	_____
Signature:	_____ Date: _____