



OFFICER DECISION RECORD

This form should be used to record Executive decisions taken by Officers

Decision Maker:	Graham Farrant, Chief Executive	
Service Area:	Corporate Management	Date: 1 December 2023
Contact Name:	Graham Farrant	Tel No: 01202 127976
E-mail:	graham.farrant@bcpcouncil.gov.uk	
Subject:	Recruitment of Director of Law and Governance (Monitoring Officer)	
Decision taken:		
<p>1 This urgent decision is to approve the appointment of Janie Berry to the position of Director of Law and Governance, (and the Council's Monitoring Officer), in accordance with the Council's Constitution and statutory requirements.</p>		
Options considered:		
<p>2 The options considered were in accordance with the Councils recruitment process as set out below.</p>		
Reasons for the decision and urgency:		
<p>3 Under Section 5 of the Local Government & Housing Act 1989 (as amended), the Council has a duty to designate the role of Monitoring Officer to an officer of the authority.</p> <p>4 Making this decision by Friday 1 December will enable Janie Berry to take up her new appointment from 11 December, whereas any later decision would delay her start into the New Year and waiting for the next council meeting would delay her start until 1 February, at the earliest. It is in the Council's interest that we make this appointment as soon as possible, to avoid losing an exceptional candidate and especially as we move towards the formal budget setting process.</p>		
Background:		
<p>5 The previous Director of Law and Governance (and designated Monitoring Officer) retired from the Council on 18 October 2023, following which the Head of Democratic Services covered the role as interim Monitoring Officer.</p> <p>6 Under Section 5 of the Local Government & Housing Act 1989 (as amended), the Council has a duty to designate the role of Monitoring Officer to an officer of the authority. Neither</p>		

the Head of Paid Service nor the Chief Finance Officer (Section 151) may be designated as the Council's Monitoring Officer. There is no statutory requirement for the position to be held by a legally qualified officer, although the Council would want to be assured that the officer appointed has the relevant skills and experience.

7 The Monitoring Officer has several 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 illegality 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.

8 The Council's Constitution sets out the requirements for senior appointments as follows:

Article 11 - Officers 1. Management Structure

- 1.1. General - The Council may engage such staff (referred to as Officers) as it considers necessary to carry out its functions.
- 1.2. Chief Officers - The Council will engage persons for the following posts, who will be designated Chief Officers:
 - (a) Chief Executive and Head of Paid Service
 - (b) Directors who report directly to the Chief Executive within the line management structure
- 1.3. The process of selection and recruitment of the above Chief Officers shall be undertaken in accordance with provisions set out in the Employment and Procedure Rules - Part 4E of the Constitution.

The Constitution states that Chief Officer roles should be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for them. The vacancy for the Director of Law and Governance role was advertised via the following to ensure the council attracted the widest pool of applicants.

- Public Law (premium listing)
- Penna social media (LinkedIn, Twitter, Instagram and Facebook)
- BCP web site
- Mailing via the Penna Network
- Black Lawyers Network

9 The employment rules within the Constitution state that appointments will be made by Council following a process arranged by the Director of People and Culture and in consultation with the Leader of the Council.

10 The selection process for the Director of Law and Governance comprised of the following:-

- (i) Penna, an established executive search company for local government was selected to support the council in resourcing for the role.
- (ii) Candidates were selected from a long list of applications and their career history was analysed by Penna.
- (iii) Shortlisted candidates were invited to a councillor's interview panel held on 22 November where they were invited to present to the formal panel. Following the presentation, candidates were asked a range of competency-based questions.
- (iv) The formal recruitment panel comprised of the following:

- Cllr Vikki Slade (Leader of the Council),
- Cllr Jeff Hanna (Portfolio holder for Resources),
- Cllr Phil Broadhead (Leader of the Opposition),

The councillors panel were advised by:

- Graham Farrant, (Chief Executive),
- Sarah Ray-Deane (Director of People and Culture)
- Bernadette MacDonald- Raggett (Independent Observer)

Reason for urgency:

- 11 As set out above, this decision is urgent to avoid delay and to avoid losing an exceptional candidate for the role.

Consultations undertaken:

- 12 The decision has been made in accordance with the recruitment process as set out above. The need for an urgent decision has been discussed with, and agreed by, the Leader of the Council and the Leader of the Opposition.

Finance and Resourcing Implications:

There are no financial implications arising from this report, as the role is within the current establishment budget.

**Name: Adam Richens
(Director of Finance):**

Date: 1 December 2023



Legal Implications:

This decision is taken in accordance with Part 3 (Responsibility for Functions), Delegations to Chief Officers, line 68, in the revised Constitution. This decision will be reported to Council at the next available meeting.

Name: Richard Jones

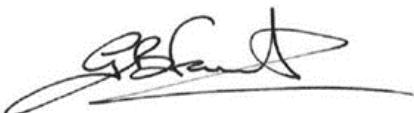
Date: 1 December 2023



(interim Monitoring Officer):

Risk Assessment:

There are no increased risks arising from this decision.

<p>Impact Assessments:</p> <p>Candidates were assessed using objective assessment criteria. The selection process was observed by an independent observer who participated in the whole process from shortlisting through to selection and expressed her satisfaction with the process overall.</p>
<p>Information for publication: Janie Berry CV attached for information</p>
<p>Background papers: None</p>
<p>Any declaration of interest by the Officer responsible for the decision: None</p>
<p>Note: No Officer having a personal financial interest in any matter should take a decision on that matter. Other interests of a non-disqualifying matter should be recorded here.</p>
<p>Any conflict of interest declared by a Cabinet Member who is consulted by the Officer taking the decision: None</p>
<p>Decision taken by: (print name and designation) Graham Farrant, Chief Executive</p> <p>Signature:</p>  <p>Date of Decision: 1 December 2023</p> <p>Date Decision Effective: 1 December 2023</p> <p>Date of Publication of record of decision: As shown on web site</p>

Note: A record of this decision should be kept by the Service Area within which the decision falls.

