

**REPORT OF ASSISTANT DIRECTOR HUMAN RESOURCES &  
ORGANISATIONAL DEVELOPMENT**

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**TO WORKFORCE PANEL**

**ON 25<sup>TH</sup> MAY 2021**

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**TITLE: SENIOR LEADERSHIP APPOINTMENTS**

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**RECOMMENDATIONS:**

1. That the Workforce Panel agrees the membership of the Appointment Panel(s) for the posts of Strategic Director Place and City Solicitor (Monitoring Officer).
  2. That the Appointment Panel(s) be delegated to agree the final details of the recruitment and selection arrangements as follows: -
    - (a) Agree the role profiles.
    - (b) Agree an external recruitment approach.
    - (c) Agree the detail of the selection process.
    - (d) Agree the use of external executive search and support for the process.
    - (e) Appoint a suitable candidate and notify Cabinet Members allowing any objections to the offer to the City Mayor.
  3. Following the selection of a suitable candidate for the City Solicitor (Monitoring Officer) post the Appointment Panel will make a recommendation to approve their appointment to full Council.
  4. That the Workforce Panel agrees to recommend to full Council the proposals relating to the remuneration of the Chief Officer posts referred to in this report.
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**EXECUTIVE SUMMARY:**

This report sets out the proposed arrangements and process in relation to the recruitment, selection and appointment to the vacant posts of Strategic Director

Place and the City Solicitor a post which also carries the statutory role of Monitoring Officer.

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## BACKGROUND DOCUMENTS:

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KEY DECISION: NO

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## DETAILS:

### 1. Introduction

This report sets out the arrangements for the recruitment, selection and appointment to the vacant posts of Strategic Director Place and the City Solicitor a post which also carries the statutory role of Monitoring Officer.

The Strategic Director for Place carries the leadership responsibility and accountability across a range of services and disciplines including operational services such as streetscene and parks, VMS and Citywide together with regulatory functions such as health and safety and environmental health. With responsibility for community safety and emergency planning as well as leading on city wide regeneration, development, and investment. This directorate plays a key role for housing, planning and environmental policy plus infrastructure, construction, engineering, streetworks, planning and building control and the contract management for Salford Community Leisure.

The City Solicitor post was established in 2015 in line with recommendations from the Audit and Accounts Committee to ensure that lawful decision making, and governance arrangements are in place.

The City Solicitor is also the statutory Monitoring Officer for the Council. The Monitoring Officer is a statutory appointment under the provisions of Section 5 of the Local Government and Housing Act 1989.

In addition to the statutory Monitoring Officer responsibilities and chief legal adviser role, the post holder is responsible for a range of services within the legal and governance division which will include democratic services (including elections), Coroners, Registrars and client management for the shared legal service with Manchester City Council.

### 2. Recruitment Arrangements

#### 2.1 Appointment Panel – Strategic Director Place

It is one of the responsibilities of the Workforce Panel to establish a Committee or Sub-Committee to act as the appointment panel for the recruitment and appointment to external posts at this level.

In respect of this post, it is suggested that the Panel be convened from the membership of the Workforce Panel as follows: -

- City Mayor
- Deputy City Mayor (Portfolio lead for Housing, Property and Regeneration)
- Executive Support Member for Workforce and Industrial Relations
- Lead Member for Environment, Neighbourhoods and Community Safety
- Lead Member for Planning and Sustainable Development
- Leader of the Opposition or nominated representative

The Panel will be advised by the Chief Executive and the Assistant Director for HR & OD.

The Appointment Panel will have delegated responsibility to agree the final details of the recruitment and selection arrangements as follows: -

- (a) Agree the role profile.
- (b) Agree an external recruitment approach.
- (c) Agree the detail of the selection process.
- (d) Agree the use of external executive search and selection support for the process.
- (e) Appoint a suitable candidate and notify Cabinet Members allowing any objections to the offer to the City Mayor.

It is proposed that this post is advertised on an external basis in the MJ and the greater.jobs website with external support for the executive search and selection process.

## **2.2 Appointment Panel – City Solicitor**

It is one of the responsibilities of the Workforce Panel to establish a Committee or Sub-Committee to act as the appointment panel for the recruitment and appointment to external posts at this level.

In respect of this post, it is suggested that the Panel be convened from the membership of the Workforce Panel as follows: -

- City Mayor
- Lead Member for Finance and Support Services
- Executive Support Member for Workforce and Industrial Relations
- Leader of the Opposition or nominated representative

The Panel will be advised by the Chief Executive, the Strategic Director for Service Reform, the Assistant Director for HR & OD, and a senior legal adviser.

The Appointment Panel will have delegated responsibility to agree the final details of the recruitment and selection arrangements as follows:

- (a) Agree the role profile and job requirements.
- (b) Agree an external recruitment approach.
- (c) Agree the detail of the selection process.
- (d) Agree the use of external search and support for the process.
- (e) Select a suitable candidate and make a recommendation to approve their appointment to full Council.

It is proposed that this post is advertised on an external basis in the MJ and the greater.jobs website with external support for the executive search process.

### **3. Statutory Roles**

In addition to the Head of Paid Service, a role that is undertaken by the Chief Executive, local authorities are required by statute to employ officers in certain key roles including the Monitoring Officer and the Chief Finance Officer, also referred to as the Section 151 Officer.

#### **3.1 The Monitoring Officer**

The Monitoring Officer is a statutory appointment under Section 5 of the Local Government and Housing Act 1989 as amended by paragraph 24 of schedule 5 of the Local Government Act 2000. The current responsibilities of the Monitoring Officer role rest with the City Solicitor who must undertake to discharge his/her statutory responsibilities with a positive determination and in a manner that enhances the overall reputation of the Council. In doing so s/he will also safeguard, so far as is possible, Members and Officers whilst acting in their official capacities, from legal difficulties and/or criminal sanctions.

#### **The main functions of the Monitoring Officer are: -**

- To report any case where s/he is of the opinion that any proposal or decision of the authority has given rise to or is likely to or would give rise to any illegality, maladministration or breach of statutory code under Sections 5 and 5A of the Local Government and Housing Act 1989; (LGHA 89)
- To investigate any matter which s/he has reason to believe may constitute, or where s/he has received an allegation that a matter may constitute, a reportable incident under Sections 5 and 5A of the LGHA 89.
- Ensure lawfulness and fairness of decision making.
- To act as the Proper Officer for the preparation, publication, and retention of records of decisions taken by or on behalf of the Council and the Executive.
- To act as the principal adviser to the authority's Standards Committee.
- To act as the principal adviser to the authority's Independent Member(s).
- To maintain the register of Members' interests.
- To have responsibility for responding to complaints to the Local Government and Social Care Ombudsman.
- To undertake, with others, investigations in accordance with the Council's Whistleblowing procedures.

In line with normal practice when a role becomes vacant a review of the role has been undertaken and the full details of the roles and responsibilities for the post together with the main statutory references for the Monitoring Officer's functions have been set out in the revised draft role profile.

### 3.2 The Section 151 Officer

#### **Section 151 Officer – Statutory Responsibilities**

The Chief Financial Officer is the Council's Section 151 Officer and undertakes to discharge his/her statutory responsibilities with a positive determination and in a manner that enhances the overall reputation of the Council. The over-riding duty of the Chief Financial Officer is to fulfil the statutory responsibilities attached to the position. These statutory duties derive from 6 principle sources as set out below.

- Statutory Definition - the statutory definition of the Treasurer was developed by case law in *Attorney General -v- De Winton 1906*. It was established that the Treasurer is not merely a servant of the authority but holds a fiduciary relationship to the local taxpayers.
- Responsible Financial Officer - *Section 151 of the Local Government Act 1972* requires every authority in England and Wales to "... make arrangements for the proper administration of their financial affairs and shall secure that one of their Officers has responsibility for the administration of those affairs". Legal opinion taken states that the term "administration" in the statutes means responsibility for managing the totality of the financial affairs of a local authority in all of its dealings.

The Officer appointed as the responsible financial Officer must by virtue of *section 113 of the Local Government Finance Act 1988* be a Member of a specified accountancy body. The statutory role must be performed by an "Officer" of the authority.

- Unlawful Expenditure and an Unbalanced Budget - the Chief Financial Officer's duties are significantly extended by *section 114 of the 1988 Act* which requires a report to all Members to be made by that Officer in consultation with the Monitoring Officer and Head of Paid Service if there is, or is likely to be, unlawful expenditure or an unbalanced budget. Section 114 also requires the authority to provide its Chief Financial Officer with such staff, accommodation and other resources as are in their opinion sufficient to allow their duties under that section to be performed.
- Local Government Act 2000 - the Chief Financial Officer and the Monitoring Officer have a role in advising whether particular decisions are likely to be contrary to the policy framework or budget of the authority. The authority will need to ensure that the Chief Financial Officer and the Monitoring Officer have access as necessary to meetings and papers and that Members must consult with him/her regularly. The model Code of Conduct for Members requires Members to have regard to advice provided by the Chief Financial Officer in any

formal report that s/he submits under section 114 of the Local Government Finance Act 1988.

- Accounts and Audit Regulations - the Accounts and Audit Regulations 2003 emphasise the need for effective financial management and sound systems of internal control. They require that the Council should maintain an adequate and effective system of internal audit for their accounting records and control systems. It is a function of the Chief Financial Officer to direct Internal Audit and ensure that it is adequate for the authority's purposes.
- Local Government Act 2003 - the Chief Financial Officer is required to:
  - Report to the authority at the time that the budget is considered and the Council Tax set on both the robustness of the budget estimates and the adequacy of financial reserves.
  - Ensure that the guidelines and ratios set down for the purposes of Prudential Capital regime are adhered to once fixed and report to Council if they are going to be infringed.

Any review and changes to one of the statutory roles would in relative terms impact on the other statutory post and therefore automatically prompt a review of the role of Chief Finance Officer. Since 2017, when the role was established in its current form, it has been operating in practice as the Chief Finance Officer with the statutory responsibilities as the Section 151 and not solely the Assistant Director for Finance. Therefore, to ensure roles, responsibilities and level of accountability reflect the current operation of the role and in line with normal practice a review of this role has also been undertaken. The full details of the roles and responsibilities for the post together with the main statutory references for the Chief Finance Officer functions are set out in the revised role profile.

#### **4. Job Evaluation**

As detailed in the Pay Policy Statement the council uses the chief officer job evaluation scheme developed by the Local Government Employers. This scheme applies to all senior posts paid on locally determined salary points from spinal column point 53 and above, incorporating all chief officer posts. This provides assurance that all pay differentials can be objectively justified through the use of job evaluation mechanisms which directly establish the relative levels of posts and grades according to the requirements, demands and responsibilities of the role.

The posts within the council falling within the definition of 'chief officers' are those at second tier which is Assistant Director and above and constitutes the council's Senior Leadership Team.

The Strategic Director for Place carries the leadership responsibility and accountability across a range of services and disciplines including operational services such as streetscene and parks, VMS and Citywide together with regulatory functions such as health and safety and environmental health. With responsibility for community safety and emergency planning as well as leading on city wide regeneration, development, and investment. This directorate plays a key role for housing, planning and environmental policy plus infrastructure, construction,

engineering, streetworks, planning and building control and the contract management for Salford Community Leisure.

The post has been evaluated under the job evaluation scheme for Local Government Chief Officers and Senior Managers and sized, scored and ranked accordingly. The salary scale, as determined by the outcome of this exercise, is £110,087 to £126,238 per annum in line with Band A of the agreed senior pay structure.

The appointment will be in accordance with the JNC for Chief Officer terms and conditions.

The City Solicitor post has been evaluated under the job evaluation scheme for Local Government Chief Officers and Senior Managers and sized, scored and ranked accordingly. The salary scale, as determined by the outcome of this exercise, is £92,475 to £107,888 per annum in line with Band C of the agreed senior pay structure.

The appointment will be in accordance with the JNC for Chief Officer terms and conditions.

The Chief Finance Officer post has been evaluated under the job evaluation scheme for Local Government Chief Officers and Senior Managers and sized, scored and ranked accordingly. The salary scale, as determined by the outcome of this exercise, is £92,475 to £107,888 per annum in line with Band C of the agreed senior pay structure.

In line with the Council Constitution, the Council makes determinations in relation to the remuneration of posts whose remuneration is, or would become, £100,000 per annum or above. As the salary ranges exceed £100,000 Council must therefore be offered the opportunity to consider the salaries before the salary package is offered in respect of a new appointment. Therefore, a separate report on this matter will go to Council in July 2021.

## **5. Vision, values, and leading Salford**

The City Mayor has set out his vision for a 'fairer, greener and healthier Salford for all' and whatever their role our people are all here to make that vision a reality. This vision gives our people direction and a shared sense of purpose.

The City Mayor has set out his priorities for achieving a fairer, greener, and healthier Salford 'the Great 8' which are:

### **Tackling poverty and inequality:**

- Ensuring poverty prevention and reduction is at the heart of everything we do in the city.
- Support people currently experiencing poverty through continuation of personalised care to the most vulnerable residents.
- Work to reduce inequalities wherever they exist.

**Tackling health inequalities and providing the best possible care:**

- Work to become a Marmot City.
- Ensuring access to mental health care and support.
- Ensuring children and young people are safe and have the best possible start in life.
- Strengthening our unified model of health and care, including a valued care workforce.

**Affordable housing and reducing homelessness:**

- Continue efforts to reduce homelessness and rough sleeping.
- Strengthen our commitment to provide decent and affordable social housing including through the council's own ethical housing company Dérive.

**Promoting transport and digital connectivity:**

- Support the development of the cycling and walking network across the city.
- Lobby for further investment in a connected public transport system, including extension of the GM Metro-link and GM bus franchising.
- Invest in our digital infrastructure and skills to ensure no resident or business in the city is digitally excluded.

**Skills and education (A Learning City):**

- Develop skills pipelines and a connected education system to link people to new job opportunities in productive growth sectors in the city.
- Supporting young people to continue with their education in high quality and safe settings.
- Support the transition of young people and recently unemployed into decent and sustainable jobs, focusing on growth sectors in the Salford and GM economy.
- Support business development and innovation for the creation of new jobs and employment opportunities.

**Creating an economy for all:**

- Maintain confidence to invest and develop in the city, focussed on our strategic opportunities and sectors, and provide foundations for inclusive economic growth.
- Maximise the social value and impact from our role as an anchor institution, including by prioritising local suppliers and local supply chains wherever possible, and committing to a strengthened Salford Social Value Alliance and 10% Better Campaign.
- Supporting the development of alternative economic models and community wealth building to support residents to benefit from the local economy
- Lobby for a fair funding settlement for Salford to guarantee effective public services.

**Tackling the climate emergency:**

- Secure investment and development in green spaces and green infrastructure across the city, including electric vehicle charging points, affordable energy
- Encourage active travel and improvements in air quality.
- Invest in green skills and green economic sectors to strengthen the city's future economic resilience.

**Creating vibrant places and spaces:**

- Deliver commitments within the city's new Culture Strategy, including creation of a Salford Heritage Commission to support the city's vibrant cultural assets
- Ensure local access to, and benefit from, the city's world class cultural assets such as the Lowry and RHS Bridgewater.
- Build on the city's strong voluntary, community and social enterprise sector to build resilient community support and ensure Salford is a supportive and safe place.
- Create and support vibrant neighbourhood centres at the heart of their local community.

To achieve this vision and deliver the priorities we have a strong set of values - pride, passion, people, and personal responsibility which capture the spirit and ambition of the city and inform the way we operate. The values influence our choices, behaviours and how we make decisions and deliver services. Living the values day in and day out creates a supportive environment which allows all our people to thrive and contribute to achieving our vision. The Spirit of Salford represents our culture, our social conscience and pride – our organisation is about people and the communities that we serve. We are renowned for our resilience and coping positively with change, we make the most of opportunities.

The #LeadingSalford leadership framework has been developed with clear expectations of leaders and managers in Salford. This framework is intended to address the issue of clarity of expectations in terms of how leaders and managers operate and their behaviours. It is underpinned by a consistent approach to leadership development and has been designed to enable everybody to understand what it means to be a leader in Salford.

Effective leaders and managers are critical to the delivery of excellent services, partnership working, our commitment to engagement and co-production and innovation in local government. Therefore, investment in our leaders and developing their skills is essential.

The framework is based on values-based leadership and describes the behaviour required for leadership of self, others, outcomes, and the way forward. There are four main components to the framework - leadership behaviours, management skills, development activities and our values. The values-based leadership element is at the heart of the framework to ensure that all our leadership expectations are grounded in modelling and embedding the values in the way managers and their teams work. Effective leaders are values driven and trustworthy, their behaviour is consistent and ethical, and they follow through and deliver on commitments.

The #LeadingSalford leadership framework and expected behaviours are now the cornerstone by which all leadership roles are designed and how we recruit and select our leaders.

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**KEY COUNCIL POLICIES:**

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## **EQUALITY IMPACT ASSESSMENT AND IMPLICATIONS:**

The recruitment, selection and appointment process will be undertaken in a lawful, fair, transparent, and consistent manner in line with our recruitment and selection and equal opportunities policies, commitments, and frameworks. Applications are welcome from all sections of the community irrespective of race, gender, gender reassignment, age, disability, sexuality, religion, or belief.

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## **ASSESSMENT OF RISK:**

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### **LEGAL IMPLICATIONS Supplied by:**

Mary Sutton, Legal Services

The Officer Employment Procedure Rules set out the procedure for the appointment of Chief Officers and Statutory Officers including the Monitoring Officer. The Constitution is underpinned by legislation and statutory guidance under section 40 of the Localism Act 2011, which is designed to ensure openness and accountability in local pay.

Workforce Panel can be satisfied that the proposals contained in this report are lawful and that the recruitment proposals concerning the City Solicitor and the Strategic Director for Place are in line with Council's constitution.

Once the recruitment has been concluded, the appointment of the Monitoring Officer will be subject to the approval of full Council. The Annex 1 procedure, whereby the Assistant Director of HROD writes to each Member of the Cabinet in order to give them the right to object to the appointment before it takes effect, will also apply to the appointment to both posts.

The full Council must be given the opportunity to approve salary packages at or above £100,000 and the recommendations for the salary of the Chief Officer posts within this report will be referred to full Council.

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### **FINANCIAL IMPLICATIONS Supplied by:**

Chris Hesketh, Head of Financial Management

The costs of these posts, including the two statutory positions, will be managed from within the existing service budgets. Therefore, there are no additional financial resource requirements arising from the report.

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PROCUREMENT IMPLICATIONS Supplied by: N/A

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HR IMPLICATIONS Supplied by:  
Are contained within the body of the report.

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CLIMATE CHANGE IMPLICATIONS Supplied by:

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OTHER DIRECTORATES CONSULTED:

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WARDS TO WHICH REPORT RELATES: