

Report to Council

21 June 2023

By the Head of HR & Organisational Development

DECISION REQUIRED



**Horsham
District
Council**

Not Exempt

Appointment of the Head of Legal and Democratic Services and Monitoring Officer

Executive Summary

The purpose of this report is to seek approval for the appointment of the Head of Legal and Democratic Services and Monitoring Officer under Section 5 of the Local Government and Housing Act 1989.

Recommendations

That the Council is recommended to:

- i) note the Employment Committee nomination of Lauren Kelly as the Head of Legal and Democratic Services and Monitoring Officer;
- ii) agree the appointment of Lauren Kelly to the position of Head of Legal and Democratic Services with effect from 22 June 2023, at a starting salary of £75,231 p.a. up to £82,072 (subject to national cost of living awards);
- iii) agree the designation of Lauren Kelly as Monitoring Officer of Horsham District Council with effect from 22 June 2023.

Reasons for Recommendations

- i) To make a permanent appointment to the position of Head of Legal and Democratic Services.
- ii) To comply with the provision of Section 5 of the Local Government and Housing Act 1989 in respect of the appointment of the Monitoring Officer.

Background Papers: None

Wards affected: All

Contact: Robert Laban, Head of Human Resources and Organisational Development, 01403 215406.

Background Information

1 Introduction and Background

- 1.1 To ensure a timely and smooth transition to the Head of Legal and Democratic Services and Monitoring Officer role, following the departure of the previous postholder to a Director position at another Council, Council accepted the recommendation of the Employment Committee to appoint Lauren Kelly as the interim Head of Legal and Democratic Services and Monitoring Officer, at its meeting on 14 December 2022, with effect from 2 January 2023.
- 1.2 It was agreed that the interim post is for a period of six months, in which to start the appointment process to the permanent role, and as necessary until such date as a permanent appointment is made and the appointee commences their duties.

2 Details

- 2.1 The Council is required to comply with the provision of Section 5 of the Local Government and Housing Act 1989 in respect of the appointment of the Monitoring Officer.
- 2.2 The Monitoring Officer has the specific duty to ensure that the council, its officers and its elected members maintain the highest standard of conduct in all they do.
- 2.3 The Monitoring Officer has three main roles:
 - to report on matters they believe are, or are likely to be, illegal or amount to maladministration;
 - to be responsible for matters relating to the conduct of councillors and officers; and
 - to be responsible for the operation of the council's constitution.
- 2.4 The Employment Committee previously took advice on the process to appoint to senior roles from Solace, which set out the challenging market for such roles. Their research had shown that suitable candidates are scarce, exacerbated as a consequence of the pandemic, which has seen increased appreciation of work-life balance and hybrid working, with many senior professionals re-evaluating whether the next step up the career ladder is their priority. It took a neighbouring West Sussex council three attempts to fill their Monitoring Officer role in 2021. Recent research from Penna, one of the largest suppliers of executive staff to the public sector, published in April 2023 in the Municipal Journal, showed that “the year 2022 saw unprecedentedly high levels of vacancies for Monitoring Officers, with 58 such roles being advertised — more than the previous three years combined. This has resulted in a major battle for legal professional talent in an already challenging market, with senior legal recruitment fast becoming one of the toughest markets in local government.” As the trend has continued into 2023, “organisations must approach the market with a high degree of realism.”
- 2.5 Given that state of the market, but more so, having a strong internal candidate in Lauren Kelly, who has successfully acted up for a six-month period and served as

deputy Monitoring Officer at Horsham District Council since 2019, the Employment Committee decided to offer the permanent Head of Legal and Democratic Services and Monitoring Officer roles to Lauren Kelly, subject to Council's agreement.

2.6 A summary of Lauren Kelly's career history is attached as Appendix 1.

3 Views of the Policy Development Advisory Group and outcome of consultations

3.1 Not applicable

4 Other courses of action considered but rejected

4.1 To advertise nationally for the position and undergo a full recruitment and selection process at a projected cost of £25,000. Alternatively, a lower cost approach to advertising on social media channels and a slimmed down selection process at a projected cost of £10,000. As set out in section 2, above, these possible actions were rejected, given the state of the market, and having a strong internal candidate.

5 Resource Consequences

5.1 There are no additional resource consequences.

6 Legal Considerations and Implications

6.1 Legal requirements have been complied with, as listed in section 2, above.

7 Risk assessment

7.1 Not applicable.

8 Procurement implications

8.1 There are no procurement issues, as this is an internal process.

9 Equalities and Human Rights implications / Public Sector Equality Duty

9.1 As this is an internal process of appointing the Head of Legal and Democratic Services and Monitoring Officer to the permanent position, there is no relevant equality legislation to be considered.

9.2 An Equalities Impact Assessment is not applicable.

10 Environmental implications

10.1 Not applicable

11 Other considerations

11.1 GDPR/ Data Protection does not apply in respect of salary details, as salaries of senior staff are subject to being published under the open data, transparency and accountability agenda; there are no other considerations.

Appendix 1

Lauren Kelly

BA, European Business and French

Qualified Solicitor, College of Law, Guildford

Career History

- Jan 2023 to June 2023 Interim Head of Legal and Democratic Service & Monitoring Officer, Horsham District Council
- 2019 to 2022: Principal Lawyer, Property and Contracts, Deputy to the Monitoring Officer, Horsham District Council
- 2018 - 2019: Senior Lawyer, Property, Horsham District Council
- 2016 – 2018: Solicitor, asb Law LLP, Crawley
- 2006 – 2016: Solicitor, Gordon Dadds LLP, London
- 2004 – 2006: Trainee Solicitor, Forsters LLP, London