

## Report to Council

14 December 2022

By Jonathan Chowen, Chairman of the Employment Committee

### DECISION REQUIRED



**Horsham  
District  
Council**

Not Exempt

## Appointment of the interim Head of Legal and Democratic Services / Monitoring Officer

### Executive Summary

The purpose of this report is to seek approval for the appointment of the interim Head of Legal and Democratic Services and to appoint to the statutory position of Monitoring Officer.

### Recommendations

That the Council is recommended to:

- i) agree the appointment of Lauren Kelly to the position of interim Head of Legal and Democratic Services with effect from 2 January 2023, in accordance with the recommendation of the Employment Committee;
- ii) agree the designation of Lauren Kelly as interim Monitoring Officer of Horsham District Council under Section 5 of the Local Government and Housing Act 1989, with effect from 2 January 2023;
- iii) agree the duration of the interim post to be six months, in which to start the appointment process to the substantive role, and as necessary until such date as a substantive appointment is made and the appointee commences their duties.

### Reasons for Recommendations

- i) 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.
- ii) To ensure a timely and smooth transition until a permanent appointment can be made.

**Background Papers:** None.

**Wards affected:** All.

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

## **1 Introduction and Background**

- 1.1 The current Head of Legal and Democratic Services / Monitoring Officer has resigned and is leaving with effect from 1 January 2023. The Council must appoint a Monitoring Officer in accordance with the Local Government & Housing Act 1989, and until such time that a full recruitment process can commence and conclude, the Council must make suitable interim arrangements. A Monitoring Officer will need to be in place from 2 January 2023.

## **2 Details**

- 2.1 The Director of Resources approached Solace, who advised against advertising just before Christmas, but to wait until 2023, partly due to the timing of the Christmas period, but also because the current market for Monitoring Officers is thin. A West Sussex authority took three attempts to attract a suitable candidate when they went out for advert recently.
- 2.2 The Director of Resources discussed the options with the Employment Committee and recommended that an interim be appointed, advertised internally.
- 2.3 The role of interim Head of Legal and Democratic Services / Monitoring Officer was advertised internally and one candidate, Lauren Kelly, applied. Lauren has been with the Council since 2018 and is currently a principal contract lawyer and deputy to the monitoring officer. Assessment tests were undertaken, together with an officer panel interview comprising the Director of Resources and the Director of Place. Lauren Kelly excelled at both tests and interview.
- 2.4 The Employment Committee was further consulted and agreed to nominate Lauren Kelly as the interim Head of Legal and Democratic Services / Monitoring Officer.
- 2.5 Following the Committee reaching its decision, the Members of the Cabinet who were not on the Employment Committee were informed of the decision in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001, which requires that the Cabinet be given the opportunity to raise an objection to the appointment. No objections were received.
- 2.6 Subject to Council's agreement, a conditional offer of the interim position has been made to Lauren Kelly and accepted.
- 2.7 A summary of Lauren Kelly's career history is attached as Appendix 1.

## **3 Next Steps**

- 3.1 A handover will take place during December, and Lauren Kelly will commence the interim role on 2 January 2023.

## **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 timing in the run up to Christmas, the current state of the market, and having a strong internal candidate.

## **5 Resource Consequences**

- 5.1 The salary for the interim position is at the bottom point of the grade, SM4, scp 94, £75,231. There are no additional resource consequences.

## **6 Legal Considerations and Implications**

- 6.1 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.

## **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 interim Head of Legal and Democratic Services and Monitoring Officer, following an internal advertisement, there is no relevant equality legislation to be taken into account.
- 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

From 2019: 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