



# Gloucester City Council

## Senior Appointments Committee

**Meeting: Monday, 19th December 2022 at 6.30 pm in Civic Suite, North Warehouse, The Docks, Gloucester, GL1 2EP**

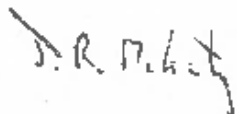
<b>Membership:</b>	Cllrs. Cook (Chair), Norman (Vice-Chair), S. Chambers, Hilton and Pullen
<b>Contact:</b>	Democratic and Electoral Services 01452 396126 <a href="mailto:democratic.services@gloucester.gov.uk">democratic.services@gloucester.gov.uk</a>

## AGENDA

<b>1.</b>	<b>DECLARATIONS OF INTEREST</b>  To receive from Members, declarations of the existence of any disclosable pecuniary, or non-pecuniary, interests and the nature of those interests in relation to any agenda item. Please see Agenda Notes.
<b>2.</b>	<b>MINUTES (Pages 5 - 6)</b>  To approve as a correct record the minutes of the meeting held on 2 <sup>nd</sup> December 2021.
<b>3.</b>	<b>PUBLIC QUESTION TIME (15 MINUTES)</b>  To receive any questions from members of the public provided that a question does not relate to:- <ul style="list-style-type: none"><li>• Matters which are the subject of current or pending legal proceedings, or</li><li>• Matters relating to employees or former employees of the Council or comments in respect of individual Council Officers</li></ul> To ask a question at this meeting, please submit it to <a href="mailto:democratic.services@gloucester.gov.uk">democratic.services@gloucester.gov.uk</a> by 12 noon on Wednesday 14 <sup>th</sup> December 2022, or telephone 01454 396203 for support.
<b>4.</b>	<b>PETITIONS AND DEPUTATIONS (15 MINUTES)</b>  To receive any petitions and deputations provided that no such petition or deputation is in relation to:- <ul style="list-style-type: none"><li>• Matters relating to individual Council Officers, or</li><li>• Matters relating to current or pending legal proceedings</li></ul> To present a petition or deputation at this meeting, please submit it to <a href="mailto:democratic.services@gloucester.gov.uk">democratic.services@gloucester.gov.uk</a> by 12 noon on Wednesday 14 <sup>th</sup> December or telephone 01452 396203 for support.

**5. DESIGNATION OF MONITORING OFFICER (Pages 7 - 10)**

To receive the report of the Head of Paid Service concerning the designation of a Monitoring Officer.



**Jon McGinty**  
**Managing Director**

**Date of Publication: Friday 9<sup>th</sup> December 2022**

## NOTES

### Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

<u>Interest</u>	<u>Prescribed description</u>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made or provided within the previous 12 months (up to and including the date of notification of the interest) in respect of any expenses incurred by you carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between you, your spouse or civil partner or person with whom you are living as a spouse or civil partner (or a body in which you or they have a beneficial interest) and the Council (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged
Land	Any beneficial interest in land which is within the Council's area.  For this purpose "land" includes an easement, servitude, interest or right in or over land which does not carry with it a right for you, your spouse, civil partner or person with whom you are living as a spouse or civil partner (alone or jointly with another) to occupy the land or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the Council's area for a month or longer.
Corporate tenancies	Any tenancy where (to your knowledge) – (a) the landlord is the Council; and (b) the tenant is a body in which you, your spouse or civil partner or a person you are living with as a spouse or civil partner has a beneficial interest
Securities	Any beneficial interest in securities of a body where – (a) that body (to your knowledge) has a place of business or land in the Council's area and (b) either – i. The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or ii. If the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, your spouse or civil partner or person with

whom you are living as a spouse or civil partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose, "securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

NOTE: the requirements in respect of the registration and disclosure of Disclosable Pecuniary Interests and withdrawing from participating in respect of any matter where you have a Disclosable Pecuniary Interest apply to your interests and those of your spouse or civil partner or person with whom you are living as a spouse or civil partner where you are aware of their interest.

### **Access to Information**

Agendas and reports can be viewed on the Gloucester City Council website: [www.gloucester.gov.uk](http://www.gloucester.gov.uk) and are available to view five working days prior to the meeting date.

For enquiries about Gloucester City Council's meetings please contact Democratic Services, 01452 396126, [democratic.services@gloucester.gov.uk](mailto:democratic.services@gloucester.gov.uk).

If you, or someone you know cannot understand English and need help with this information, or if you would like a large print, Braille, or audio version of this information please call 01452 396396.

### **Recording of meetings**

Please be aware that meetings may be recorded. There is no requirement for those wishing to record proceedings to notify the Council in advance; however, as a courtesy, anyone wishing to do so is advised to make the Chair aware before the meeting starts.

Any recording must take place in such a way as to ensure that the view of Councillors, Officers, the Public and Press is not obstructed. The use of flash photography and/or additional lighting will not be allowed unless this has been discussed and agreed in advance of the meeting.

### **FIRE / EMERGENCY EVACUATION PROCEDURE**

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions:

- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building; gather at the assembly point in the car park and await further instructions;
- Do not re-enter the building until told by a member of staff or the fire brigade that it is safe to do so.



## SENIOR APPOINTMENTS COMMITTEE

**MEETING** : Thursday, 2nd December 2021

**PRESENT** : Cllrs. Cook (Chair), H. Norman (Vice-Chair), Hudson, Hilton and Pullen

### **Others in Attendance**

Jon McGinty, Managing Director

Tanya Davies, Policy and Governance Manager

### **1. DECLARATIONS OF INTEREST**

1.1 There were no declarations of interest.

### **2. PUBLIC QUESTION TIME (15 MINUTES)**

2.1 There were no public questions.

### **3. PETITIONS AND DEPUTATIONS (15 MINUTES)**

3.3 There were no petitions or deputations.

### **4. SENIOR MANAGEMENT STRUCTURE FOR THE COUNCIL**

4.1 The Committee considered the report of the Head of Paid Service concerning proposed changes to the Senior Management structure of the council following the departure of the two Corporate Directors.

4.2 Councillor Cook introduced the report and explained the proposals for the Managing Director's post to revert to a full time position with the City Council and designating two of the Heads of Service as Directors, in recognition of the breadth and depth of service responsibility and accountability already carried by these posts, and more formally recognising them as effective deputies for the MD. He noted that the Local Government Association had been asked to advise on the options available to the council.

4.3 Councillor Hilton stated that he would have liked to have been consulted by the Local Government Association when they were preparing their advice to the council, but that the proposals seemed sensible.

**SENIOR APPOINTMENTS COMMITTEE**  
**02.12.21**

- 4.4 In response to a question from Councillor Hilton regarding the process for future appointment to the new Director roles and the remaining Head of Service roles, Councillor Cook and the Managing Director confirmed that appointments to Director roles are within the remit of the Senior Appointments Committee, but appointments to Heads of Service were not, though it was likely that senior Councillors would be continue to be consulted in relation to those roles.
- 4.5 Councillor Pullen advised that he supported the proposals and asked for clarification about the appointment process for the posts at the present time.
- 4.6 The Managing Director advised that, based on HR advice, it was not necessary to go through a selection process because the at risk of redundancy and ringfencing requirements that would follow would result in the same outcome. Therefore, it was only necessary to obtain confirmation of salary grades for the posts.
- 4.7 In response to a question from Councillor Hilton, in respect of the role of Monitoring Officer, the Managing Director advised that the appointments could come to Senior Appointments Committee or direct to Council.
- 4.8 In response to a question from Councillor Pullen regarding the proposal for a countywide role focusing on tackling health inequalities, the Managing Director advised that no decision had been made on where the role would be hosted, but that sufficient budget had been set aside to fund the City Council's contribution.

**Time of commencement: 6.00 pm hours**

**Time of conclusion: 6.12 pm hours**

**Chair**



<b>Meeting:</b>	<b>Senior Appointments Committee Council</b>	<b>Date:</b>	<b>19 December 2022 26 January 2023</b>
<b>Subject:</b>	<b>Designation of Monitoring Officer</b>		
<b>Report Of:</b>	<b>Head of Paid Service</b>		
<b>Wards Affected:</b>	<b>All</b>		
<b>Key Decision:</b>	<b>No</b>	<b>Budget/Policy Framework:</b>	<b>No</b>
<b>Contact Officer:</b>	<b>Jon McGinty, Managing Director</b>		
	<b>Email: jon.mcginty@gloucester.gov.uk</b>		<b>Tel: 39-6200</b>
<b>Appendices:</b>	<b>None</b>		

**FOR GENERAL RELEASE**

**1.0 Purpose of Report**

1.1 To designate a Monitoring Officer.

**2.0 Recommendations**

2.1 Senior Appointments Committee is asked to **RESOLVE TO RECOMMEND** that Alice McAlpine be designated at the Council’s Monitoring Officer.

2.2 Council is asked to **RESOLVE** that Alice McAlpine be designated as the Council’s Monitoring Officer.

**3.0 Background and Key Issues**

3.1 The Local Government and Housing Act 1989, Section 5, requires all local authorities to designate one of their officers as the “Monitoring Officer”. The Act specifically excludes the Head of Paid Service and the Chief Finance Officer (Section 151 Officer) from being the Monitoring Officer, although any other officer of the Council can be appointed.

3.2 The Act imposes a duty on the Monitoring Officer, if at any time there appears to the Monitoring Officer that any proposal, decision or omission of the Council, or Committee etc. either has given rise to, or is likely to give rise to, a breach of any law, or any maladministration as would be dealt with by the Ombudsman, to prepare a report to the Council specifying the contravention.

3.3 The Monitoring Officer also has a number of responsibilities arising from the Localism Act 2011 relating to Councillor conduct (City and its Parish Council). These responsibilities include dealing with complaints on the Code of Conduct, as well as providing training for Members thereon. There is a close connection with the S151

Officer, and Internal Audit, and the Monitoring Officer is a member of the Corporate Governance Group.

- 3.4 The current functions of the Monitoring Officer are specified in the Constitution, including the Monitoring Officer's Protocol although some of these may be assigned to other officers by the Managing Director. There is no statutory requirement for the Monitoring Officer to be a Solicitor, although the majority are legally qualified and have a commensurate role within a Council.
- 3.5 Stephen Taylor's designation as interim Monitoring Officer ended on 27 November 2022 and, due to the timescales involved with making a permanent appointment and in accordance with the decision of Council on 29 September 2022, the Head of Paid Service took a decision on 25 November 2022 designating Alice McAlpine, newly appointed Principal Lawyer at One Legal, as interim Monitoring Officer with effect from 28 November 2022.
- 3.6 It is now proposed that Alice McAlpine be designated as the Council's permanent Monitoring Officer until further notice on a 2.5 day/week basis.
- 3.6 In order to make a permanent appointment, a recommendation from the Senior Appointments Committee is required before it can be considered by Council. Prior to making a recommendation, the Senior Appointments Committee, which includes all Group Leaders, will have the opportunity to meet Alice. Thereafter, if content, Senior Appointments Committee will make a recommendation and the final decision will be taken by Council on 26 January 2023.

#### **4.0 Social Value Considerations**

- 4.1 Not applicable.

#### **5.0 Environmental Implications**

- 5.1 Not applicable.

#### **6.0 Alternative Options Considered**

- 6.1 The option of designating an officer already within the Council was considered but discounted on the basis of insufficient capacity.

#### **7.0 Reasons for Recommendations**

- 7.1 It is a legal requirement that the Council designates one of their Officers as Monitoring Officer.

#### **8.0 Future Work and Conclusions**

- 8.1 If approved, Alice McAlpine will be the Council's Monitoring Officer until further notice.

#### **9.0 Financial Implications**

- 9.1 The appointment of a new Monitoring Officer on a 2.5 day/week basis would be approximately double the current resource commitment for Stephen Taylor which is



on a one day/week basis. The Director of Policy and Resources has been consulted and considers that this increased cost can be managed as a necessary in-year cost pressure within the Council's overall budgetary management.

(Financial Services have been consulted in the preparation this report.)

## **10.0 Legal Implications**

10.1 These are contained within the main body of the report.

(One Legal have been consulted in the preparation this report.)

## **11.0 Risk & Opportunity Management Implications**

11.1 If a Monitoring Officer is not in post, the Council would be in breach of Section 5 Local Government and Housing Act 1989.

## **12.0 People Impact Assessment (PIA) and Safeguarding:**

12.1 Not applicable.

## **13.0 Community Safety Implications**

13.1 None.

## **14.0 Staffing & Trade Union Implications**

14.1 The Local Government and Housing Act 1989 effectively requires the person designated as Monitoring Officer to be employed by the Council. The Head of Paid Service in consultation with the Council's HR Business Advisor, has agreed a draft secondment agreement between Alice McAlpine, Tewkesbury Borough Council (employers of One Legal personnel) and Gloucester City Council to cover this proposed designation.

**Background Documents:** None

This page is intentionally left blank