

<b>GENERAL PURPOSES COMMITTEE</b>	<b>DATE</b> 2 April 2019
<b>TITLE</b> Approval of salary for the re-scoped post of Director of Legal Services	<b>ITEM NO:</b> 11
<b>LEAD OFFICER</b> Chief Executive	<b>CABINET MEMBER</b> Finance and Resources

## 1. **Decision required**

This report makes the following recommendations to the decision-maker:

- 1.1 To agree to a salary range of £130,063 to £140,468 for the post of Director of Legal (Chief Officer Grade A) in accordance with the Council's Pay Policy Statement.

## 2 **Links to the Royal Greenwich Strategy**

- 2.1 This post will support the Council's objectives in a number of areas and relates to the following high-level objectives contained within the Royal Greenwich Strategy:

- Continue to achieve excellence and good governance in the management of public finances
- A Great Place to Grow Up
- Economic Prosperity for All
- A Great Place to Be
- A Strong Vibrant and Well-run Borough

## 3 **Introduction and Background**

- 3.1 The recent re-organisation of the senior leadership roles of the organisation has resulted in a change to the role and grade of the Head of Legal Services post.

- 3.2 The Legal service was incorporated into the Finance Directorate in the corporate reorganisation of 2016 and the reporting line was changed to the Director of Finance (Deputy Chief Executive) role in January 2017. The role retained a dotted line to the Chief Executive, as the role has the statutory Monitoring Officer responsibility. This entails not only the responsibility for ensuring that the Council acts lawfully but also responsibility for advising Members and Senior Officers on governance, decision making and the Council’s Constitution. The post also leads on Ethical Standards for Members.
- 3.3 The re-organisation acknowledges the role’s shift towards undertaking the duties of the Monitoring Officer and has changed the reporting line of the Head of Legal Services, to the Chief Executive. To reflect its change in status, the post title has been changed to Director of Legal Services and now formally forms part of the Greenwich Management Team. This re-scoped role is evaluated as Chief Officer grade A.
- 3.4 The re-scoped role is filled by direct assimilation, in line with the Council’s re-organisation procedure.
- 3.5 The re-scoped role and grade has additional on-costs of NI and pension contributions. Therefore, for budgeting purposes, the cost of the post is as Table 1 below.

<b>Band</b>	<b>Point</b>	<b>Inc.</b>	<b>Basic</b>	<b>Super</b>	<b>NI</b>	<b>Total</b>
<b>A - Director</b>	15	3	140,460	25,990	18,220	184,670
	14	2	135,260	25,020	17,500	177,780
	13	1	130,060	24,060	16,790	170,910

*Table 1: Chief Officer Pay Table 2018-2019 – Band A - Director*

#### **4 Chief Officer appointment process**

- 4.1 Within the re-organisation of Finance, the existing Head of Legal Services is directly assimilated to the re-scoped role of Director of Legal Services. Therefore, there is no appointment process to be undertaken for this post.

- 4.2 Section 38 (1) of the Localism Act 2011 requires local authorities to produce a pay policy statement for each financial year which must set out the authority's policies for the financial year relating to:
- (a) the remuneration of its chief officers,
  - (b) the remuneration of its lowest-paid employees, and
  - (c) the relationship between (i) the remuneration of its chief officers, and (ii) the remuneration of its employees who are not chief officers.
- 4.3 The Statement must include the Authority's policies relating to:
- (a) the level and elements of remuneration for each chief officer,
  - (b) remuneration of chief officers on recruitment,
  - (c) increases and additions to remuneration for each chief officer,
  - (d) the use of performance-related pay for chief officers,
  - (e) the use of bonuses for chief officers,
  - (f) the approach to the payment of chief officers on their ceasing to hold office under or to be employed by the authority, and
  - (g) the publication of and access to information relating to remuneration of chief officers.
- 4.4 The last Statement was approved by full Council on 26 July 2018. All decisions on pay and reward for chief officers must comply with the current Pay Policy Statement and section 42 of the Localism Act states that they cannot be the responsibility of an executive of the authority under executive arrangements.
- 4.5 Section 40 of the Localism Act includes provision for the Secretary of State to issue guidance on the content and application of pay policy statements. Councils must have regard to this guidance in the exercise of their functions under the pay policy provisions. Initial Guidance under section 40 has been published and this was supplemented by further Guidance in February 2013. The Guidance is statutory guidance, and although it is not law, it is not mere advice, and the Council must consider it carefully and have cogent reasons

if it wishes to depart from it. Failure to do so may result in any decision being challenged.

4.6 The Guidance advises that full Council should be given the opportunity to vote before salaries or severance payments of £100,000 or more are agreed. However, as section 41 says that in making a decision which relates to the remuneration of or other terms and conditions applying to a chief officer, the Council must comply with its pay policy statement for the financial year. Full Council concluded that, having careful regard to the Guidance, a sensible approach is as set out below:

(a) Full Council agrees the overall pay banding for the Council's chief officer structure which includes all posts with remuneration of £100,000 or over and also agrees specific severance packages of £100,000 and over (not including contractual obligations).

(b) General Purposes Committee agrees the salary level for a post with a remuneration of £100,000 or over in relation to a specific appointment.

4.7 Chief Officers are on a single point salary with scope to be placed on 2 further points in exceptional circumstances. The criteria for further points are:

- the scale of the agenda/programme/projects being undertaken in addition to the management of a directorate, including the size and scope and impact of their achievement
- the delivery of significant service improvements in the areas managed measured by performance indicators
- the contribution to and impact on the organisation as a whole in terms of service development and improvement
- under exceptional circumstances to provide a retention package

4.8 The terms of reference of this committee include agreeing the salary level for posts with a remuneration of £100,000 or over in relation to a specific appointment. Committee is therefore asked to agree the salaries for:

- the post Director of Legal, at the lowest salary point for Director Grade A. The intention is to appoint at bottom of grade but discretion is sought to appoint up to top of grade if necessary to secure a suitable

appointment.

## **5 Appointment Process**

- 5.1 Within the re-organisation of Finance, the existing Head of Legal Services is directly assimilated to the re-scoped role of Director of Legal Services. Therefore there is no appointment process to be undertaken for this post.

## **6 Available Option**

- 6.1 To obtain an agreement for the salary of the re-scoped and retitled role of Director of Legal Services.

## **7 Preferred Option**

- 7.1 To agree the salary of the re-scoped and retitled role of Director of Legal.

## **8 Reasons for Recommendation**

- 8.1 To provide stability to the organisation, ensuring the council has the required, appropriately qualified Director of Legal Services.

## **9 Cross Cutting Issues and Implications**

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Legal</b> including Human Right Act	The report raises no legal issues. Part 3 of the Councils constitution provides that General Purposes Committee is responsible for agreeing the salary level for posts with a remuneration of £100,000 or more in relation to a specific appointment.	Azuka Onuorah Deputy Head of Legal Services 18 <sup>th</sup> March 2019

<b>Finance</b> and resources including procurement implications	The Chief Executive is asked to agree to a salary range of £130,063 to £140,468 for the post of Director of Finance, Chief Officer Grade A in accordance with the Councils Pay Policy Statement.  The funding of this post will be met from existing budgets	Kim Sullivan Head of Accountancy and Business Change 18 <sup>th</sup> March 2019
<b>Equalities</b>	No issues arising.	Sarah Thompson Agency and Recruitment Manager 18 <sup>th</sup> March 2019
<b>Staffing Establishment</b>	Existing role within the establishment	Sarah Thompson Agency and Recruitment Manager 18 <sup>th</sup> March 2019

## 10 **Background Papers**

### 10.1 Director of Legal - Job Description and Person Specification

Report Author: Sarah Thompson  
Tel No. 020 8921 8202  
Email. Sarah.thompson@royalgreenwich.gov.uk

Reporting to: Stacy Bailey, Head of Human Resources  
Tel No. 020 8921 8894  
Email. Stacy.bailey@royalgreenwich.gov.uk

Chief Officer: Katrina Delaney, Director of Communities and Environment and Deputy Chief Executive

Tel No. 020 8921 6101  
Email. Katrina.delaney@royalgreenwich.gov.uk

## ROYAL BOROUGH OF GREENWICH JOB DESCRIPTION

**DIRECTORATE:** Finance and Legal Services  
**SECTION:** Legal Services  
**GRADE:**  
**JOB TITLE:** Director of Legal Services  
**REPORTING TO:** Chief Executive

### **Job Purpose**

The Director of Legal has the statutory Monitoring Officer responsibility. This entails not only the responsibility for ensuring that the Council acts lawfully but also responsibility for advising Members and Senior Officers on governance, decision making and the Council's Constitution. The post also leads on Ethical Standards for Members.

In addition, the post ensures the provision of high, quality, cost effective and responsive legal services which proactively promote and protect the Council's interests and meet corporate and statutory requirements

### **Main Duties of the Post**

1. Acting as the Monitoring Officer, under Section 5 of the Local Government and Housing Act 1989, in respect of monitoring and addressing any legal breaches or maladministration.
2. Leading on Ethical Standards for Members and operate the Member's Code of Conduct complaints procedure.

3. As part of the Council's management team, promote effective corporate decision making, contribute to the formulation of corporate policies and initiatives and lead on appropriate collaborative, cross departmental initiatives.
4. Lead the Legal Services Senior Management Team contributing to effective corporate leadership, management, and decision making.
5. Provide strategic legal advice to the Council and ensure the Council is equipped to meet statutory requirements.
6. Contribute to the formulation of corporate policies and initiatives and the development of collaborative, cross departmental and organisational working processes.
7. Provide advice and support to Members on complex, critical and sensitive legal matters in a timely and effective manner.
8. Identify needs of internal customers and shape service delivery accordingly.
9. Develop and maintain effective business planning and performance management, within the Council's standards and procedures, for the services of the Directorate.
10. Monitor the quality of legal services, including the performance and cost effectiveness of external legal services.
11. Ensure that the Council has adequate and timely advice to enable it to act in accordance with its legal obligations.
12. Successfully manage a diverse caseload.
13. Play a key role in elections in support of the Chief Executive
14. Lead and effectively deploy the staff of the Directorate and encouraging all staff to meet their full potential to maximise their contribution to the

Council's strategic and operational objectives and effective service delivery.

15. Effectively deliver a range of programmes and projects to support the vision, aims and objectives of the Directorate and the Council.
16. Act as an ambassador for the borough, promoting and developing the Council's image, forming robust strategic alliances and developing effective working relations with partners, other related organisations, government departments, user groups, business, voluntary sector groups, including championing the interests of the community, stakeholders and partners.
17. Identify timely responses to overcome performance issues and take appropriate action where required.
18. Ensure the timely and effective communication and implementation of all agreed Council policies and processes within the directorate.
19. Manage the directorate's budget in accordance with the Council's standing orders and financial regulations, obtaining value for money and maximisation of income where applicable.
20. Participate in the Council's emergency planning and responses to emergency situations.
21. Undertake such corporate responsibilities as may be allocated to the post from time to time by the Chief Executive.

Designation of Post to which the Post-holder normally reports: Chief Executive

## Person Specification

**DIRECTORATE:** Finance and Legal Services

**SECTION:** Legal Services

**JOB TITLE:** Director of Legal Services

### Knowledge

- Qualified Solicitor or Barrister.

### Skills and Abilities

- Established expertise in a range of practice areas and the ability to take a hands on approach when needed.
- Effective organisational skills and the ability to manage competing priorities
- Ability to lead, manage, motivate and develop a large staff team to continually drive performance improvement
- Ability to analyse complex legal and managerial issues and deliver successful outcomes
- Well-developed interpersonal skills

### Experience

- Proven legal and management experience at a senior level
- Successful track record of achievement in the legal field
- Experience of leading and successfully concluding major litigation on legal projects

- Experience of horizon scanning and analysing the legal implications of potential changes on the work of the organisation.
- Experience of working in a political environment.