

TONBRIDGE & MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

04 February 2013

Joint Report of the Chief Executive (Designate) and the Director of Central Services and Monitoring Officer (Designate)

Part 1 - Public

Matters for Recommendation to Council

1 LEGAL SERVICES – ESTABLISHMENT

Summary

This report proposes the establishment of the post of Principal Solicitor as head of Legal Services within the Central Services directorate in response to the identified business needs of the Council.

1.1 Background

- 1.1.1 In Sections 3.15 of his report to the meeting of this Committee on 22 October 2012, the former Chief Executive David Hughes alluded to the need for further adjustments to existing structures and stated “it is only right that the new Chief Executive and Directors assuming responsibilities are given the opportunity to make an informed appraisal of what is required for service delivery and bring forward proposals in early 2013 for Members to consider”.
- 1.1.2 As Members will recall, Mr Adrian Stanfield assumed the position of Director of Central Services and Monitoring Officer on 1st February 2013, at which time the M4a post of Chief Solicitor that he formally occupied was deleted from the Council’s Establishment.
- 1.1.3 Although Mr Stanfield continues to undertake a certain amount of “high level” legal work, including the responsibilities of the statutory role of Monitoring Officer, he no longer has day to day responsibility for the line management of the operational work undertaken by the Legal Services, Licensing and Land Charges teams. Members will already have a good sense of the scale of responsibilities of these teams including the range of recent changes introduced under the Localism Act. Furthermore, these changes also have an impact on a broader range of Central Services such as Democratic Services and the Property & Estates functions. All of these functions are within the remit of the Director of Central Services, and it is important to ensure sufficient capacity in support of the Director.
- 1.1.4 We have reflected upon the specific demands that are likely to be placed upon the three legal services in the foreseeable future. Not only are there internally generated challenges such as the establishment of a Leisure Trust, the

development and economic regeneration of Tonbridge Town Centre, but there are also a plethora of Government led changes to many of the Council's statutory responsibilities i.e. the consideration of planning applications, the administration of housing and council tax benefits, Freedom Of Information requests, Transparency, the Standards regime etc. All of these will require significant support, advice and guidance from a suitably qualified and experienced legal team. The Legal Services function has traditionally been supported by the use of external support from Chambers and whilst this will still be the case for specialised functions, there is now the opportunity to implement a more cost effective approach through the appropriate level of in house resource.

1.2 Proposal

- 1.2.1 We have undertaken a gap analysis between the skill sets of those staff currently employed in the roles specified/alluded to in section 1.1.4 above, and that of the role of the Director of Central Services and Monitoring Officer and consider there is a need for a Principal Solicitor to line manage the operational work undertaken by the Legal, Licensing and Land Charges teams. In consultation with the Personnel and Development Manager we have formulated the Job Description attached as Annex1. The Personnel and Customer Services Manager has considered the grading of the post and deems it to be an M5 position in light of the span of control that the incumbent will have and the range and depth of capabilities that they will be required to possess.
- 1.2.2 The employees affected by the proposal have been consulted and are fully supportive.

1.3 Legal Implications

- 1.3.1 None.

1.4 Financial and Value for Money Considerations

- 1.4.1 The cost of establishing this post is £66,529 including on costs. Funding to support this post will be generated by the savings referred to in the Establishment Changes report in Part 2 of this agenda.
- 1.4.2 We consider that the proposal as set out in this report to create a permanent post provides a cost effective option to maintaining effective service delivery over the foreseeable future, particularly in the light of the very high costs that would be incurred were the Council to engage the services of agency staff or contractors to "plug" the gaps apparent in the current establishment.

1.5 Risk Assessment

- 1.5.1 Failure to engage a suitably qualified and experienced resource could expose the Council to legal challenges, financial penalties, and reputational damage.

1.6 Equality Impact Assessment

1.6.1 See 'Screening for equality impacts' table at end of report

1.7 Policy Considerations

1.7.1 Human Resources

1.8 Recommendations

1.8.1 It is **RECOMMENDED** that the post of Principal Solicitor is established at M5 with effect from 1 April 2013.

contact: Adrian Stanfield

Julie Beilby
Chief Executive (Designate)

Adrian Stanfield
Director of Central Services
(Designate)

Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	The recommendation in this report will be managed in accordance with the Council's employment procedures.
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	No relevant issues.
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		

In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.