

**Manchester City Council
Report for Resolution**

Report to: Personnel Committee – 21 October 2009

Subject: City Solicitor's Division

Report of: City Solicitor and Head of Corporate Personnel

PURPOSE OF REPORT:

To review the management arrangements for the Statutory Services and Democratic Services Units of the City Solicitor's Division.

RECOMMENDATIONS:

1. To approve the disestablishment of the posts of Head of Democratic Services (Grade 10 + 15%: £44,790 - £47,841) and Head of Statutory Services (£59,262) and the establishment of a new post of Head of Democratic and Statutory Services at a salary of £63,500 with the responsibilities set out in the report.
2. To assimilate the current Head of Democratic Services to the new post of Head of Democratic and Statutory Services.
3. To amend the salary of the Assistant City Solicitor/Deputy Monitoring Officer to £63,500 to reflect the additional duties and responsibilities currently being undertaken by the postholder.
4. To grant delegated authority to the City Solicitor, acting in consultation with the Head of Corporate Personnel, to develop appropriate job descriptions for the posts of Head of Democratic and Statutory Services and Assistant City Solicitor/Deputy Monitoring Officer.

FINANCIAL CONSEQUENCES FOR THE REVENUE BUDGET:

The proposals will result in a saving in overall terms which will contribute to funding other budgetary pressures. The costs of the proposal in relation to the Assistant City Solicitor/Deputy Monitoring Officer will be met by the ITA.

FINANCIAL CONSEQUENCES FOR THE CAPITAL BUDGET:

There are no consequences for the capital budget.

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BACKGROUND DOCUMENTS:

WARDS AFFECTED

None

IMPLICATIONS FOR:

Anti-poverty
No

Equal Opportunities
No

Employment
No

Environment
No

1. **BACKGROUND**

- 1.1 The current management structure (approved in 2006) for the City Solicitor's Division includes the post of Head of Statutory Services reporting to the City Solicitor with responsibility for the Registrar's and Coroner's Services, Parking Adjudication and Traffic Regulations Outside London (PATROL) and for providing support to the Chief Executive in relation to strategic electoral matters including his role as the Regional Returning Officer for the European Elections and as a member of the Electoral Commission's Electoral Leadership Forum. The Forum consists of representatives from all regions of the UK and was established to enable strategic discussion on the future development and reform of electoral administration to achieve high and consistent standards and practices across the UK in relation to all UK elections.
- 1.2 When the Electoral Commission were restructuring their organisation to facilitate their new statutory remit, the Commission requested that Andrew Scallan the Head of Statutory Services, in view of his particular expertise in electoral administration matters, be seconded to a post of Director of Electoral Administration and Boundaries at the Commission. It was considered to be in the interests of Manchester to facilitate the secondment because of the benefit which his contribution to the reform of electoral administration could bring to Manchester and local government generally.
- 1.3 The secondment was initially on a part time basis but then became a full time secondment once the Electoral Commission had completed their management restructuring. All costs related to the secondment including Mr Scallan's salary are met by the Electoral Commission. The current secondment arrangements extend to 31 December 2011. The terms of his secondment provide for Mr Scallan to return to a suitable post in the Chief Executive's Department at the end of the secondment at the current salary of the post commensurate with his skills and experience. It is however likely the Electoral Commission will wish to consider further arrangements at that time.

2. **PROPOSAL**

- 2.1 The City Solicitor and Head of Corporate Personnel consider that permanent arrangements for the duties of the post should now be made, to ensure that the particular pressures on the service can continue to be met. There will be a continuing requirement to address strategic electoral and registration issues, and the Electoral Commission is seeking to maintain and develop the regional focus for future elections including the next general election. In addition it is essential that the Council works closely with the Registrar's and Coroner's services to further modernise the service within the context of a stable budget.
- 2.2 The post of Head of Democratic Services in the City Solicitor's Division has management responsibility for the Electoral Services Unit, delivering electoral registration and elections in Manchester, the Governance and Scrutiny Support Unit, the Democratic Services Legal Group and Information Compliance. It is proposed that the posts of Head of Democratic Services and

Head of Statutory Services are now both disestablished and a new post created of Head of Democratic and Statutory Services. The new post will be responsible to the City Solicitor for the management of the services covered by both existing posts, and will provide resources to support the Assistant City Solicitor/Deputy Monitoring Officer in his role. The Head of Democratic Services post is currently graded at Grade 10 +15% (£44,790 - £47,841) and the Head of Statutory Services at £59,262. It is recommended that the salary for the new post is £63,500.

- 2.3 Since the end of 2007 the Head of Democratic Services has been carrying out the duties and responsibilities of the Head of Statutory Services along with her substantive role. She has been receiving an honorarium in recognition of this. As she has been successfully carrying out the role for some time (including supporting the Chief Executive in his role as Regional Returning Officer for the North West in the 2009 European Elections) it is recommended that she be assimilated into the new post with immediate effect.
- 2.4 The Assistant City Solicitor/Deputy Monitoring Officer leads on constitutional and administrative law issues, and local government finance law and, with the Monitoring Officer, the Standards regime. The postholder also provides legal advice and is the Deputy Monitoring Officer to the Integrated Transport Authority. During the TIF project the postholder was seconded for two days a week to the Passenger Transport Executive to advise on governance and the TIF consultation. Since then the postholder has continued to provide legal advice to the team working on the implementation of the Transport Act, and the consultation on Transport Governance and has been receiving an honorarium in recognition of this increased work.
- 2.5 It is evident that these additional responsibilities are now likely to continue for a considerable period of time. Therefore, mindful of this and the increasingly complex legal issues around governance both generally and specifically in the context of the Transport Act and the City Region that the postholder is required to consider and advise on, it is considered timely to formalise the current honoraria payment into the substantive salary for this post. The Committee are therefore requested to increase the salary for the post of Assistant City Solicitor/Deputy Monitoring Officer from £59,262 to £63,500.

3. **RECOMMENDATIONS**

Detailed recommendations appear at the front of this report.

4. **TRADE UNION COMMENTS**

- 4.1 UNISON note the recommendations and the disestablishment of Head of Democratic Services and Head of Statutory Services and the creation of a new role of Head of Democratic and Statutory Services and the salary that is attached to this. UNISON would like to query if there is now a mechanism that is open and transparent to grade these salaries to prevent equal pay claims against the authority in the future. We do however agree that the present post holder should be assimilated into this new role.

- 4.2 We note that there is no consequence for the capital budget and we welcome this due to the current economic environment.
- 4.3 We note the secondment Andrew Scallan is currently on and that this is to be extended further and we applauded the good work he has done at the Electoral Commission and if he is to return to the authority at the end of the secondment that an appropriate role is found within the Authority.
- 4.4 With the role of Assistant City Solicitor/Deputy Monitoring Officer, we note the salary. Again, we are looking for the authority to have a measure for this salary.
- 4.5 UNISON are happy to work with the City Solicitor and the Head of Corporate Personnel with regard to this report, however if we are unable to resolve issues, we reserve the right to raise these with the Member for Finance and Human Resources to obtain resolution.