

Appointment of Managing Director and Executive Directors



Report to:	Special Full Council
Date:	30 January 2025
Report from:	Appointments Panel and Leader of the Council
Lead Officer:	Paul Smith, HR Consultant
Contributing Officer:	Julie Galvin, Legal Services Manager and Monitoring Officer

Executive Summary

A The council is undergoing a significant transformation and in November 2024, a new Executive Management Team structure was agreed which is set to come into effect on Monday 3 February 2025. The new structure created four new Chief Officer roles, namely a Managing Director and three Executive Directors. The council has run an extensive recruitment campaign, supported by Penna Consulting, to recruit to these four new roles. Last week, the Appointments Panel conducted final interviews for each role and formally met on Thursday 23 January 2025 to appoint to each role. Therefore, Full Council is asked to note and endorse the decisions of the Appointments Panel and approve, where necessary, such designations. Full Council is also asked to approve the required minor amendments to the constitution to ensure it is up to date, and designations to statutory officer posts to ensure the council has all required statutory officer posts covered at all times.

Recommended that:

- A** Full Council notes and endorses the decisions taken by the Appointments Panel on Thursday 23 January 2025 as per the constitution, to appoint James Gardner, Alan Townshend, Julie Ellis, and Giles Clarke to the new Chief Officer roles of Managing Director and Executive Directors respectively.
- B** In accordance with Section 4 of the Local Government and Housing Act 1989, and upon the recommendation of the Appointments Panel, James Gardner be designated as Head of Paid Service from Monday 3 February 2025 as detailed in paragraphs 17 and 18.
- C** In accordance with Section 5 and Section 35 of the Representation of the People Act 1983, James Gardner be designated as Electoral Registration Officer and Returning Officer from Monday 3 February 2025 as detailed in paragraph 19.
- D** Delegation is given to the Monitoring Officer, in consultation with the Leader of the Council, to make the minor required updates to the constitution to reflect the new

Chief Officer roles, including but not limited to updating the definition of Chief Officers within the constitution and any other such references to 'Chief Executive' or 'Directors' as well as any other minor updates to bring the constitution up to date; and that such updates are made before Monday 3 February 2025.

- E** The Leader of the Council and Monitoring Officer be formally required to present the work that has been ongoing to design a new constitution for the council to a meeting of the Constitution Panel with the intention of the new draft constitution coming to Full Council as soon as is practically possible for adoption to reflect the new Executive Management Structure, scheme of delegations, governance framework and other such changes.
- F** In accordance with Section 5 of the Local Government and Housing Act 1989, Rebecca Farrant be designated as Acting Monitoring Officer with effect from Friday 21 February 2025.

Reason for decision

- A** The council is undergoing significant transformation, and these decisions ensure that in line with the constitution and the relevant legislation, the next steps in that transformation – namely the appointments to new Chief Officer roles – are fulfilled and that the constitution reflects those appointments. The council is also required to have a Monitoring Officer designated at all times.

Other options

- A** None – the council has followed all legislative and constitutional requirements.

Background

1. As has been well reported, the council is undergoing significant transformation in a number of ways. A report on 17 November 2024 from the Leader of the Council to Full Council detailed the 'case for change' and the next steps in that transformation which included the creation and implementation of a new senior management structure to reflect the new culture of the council and to ensure that the council was resourced properly to deliver the council's six missions and other stated ambitions.
2. On 17 November, Full Council designated James Gardner as Acting Head of Paid Service until a further report and recommendation came forward to Full Council and Rebecca Farrant as Returning Officer and Electoral Registration Officer until a further report and recommendation came forward to Full Council. This report details those further recommendations.
3. In November 2024, the new Executive Management Team structure was agreed for implementation. This new structure is due to come into effect on Monday 3 February.
4. The new structure also introduced the following changes with regard of the Chief Officer roles:

- **The council will have a Managing Director rather than a Chief Executive:** This is reflective of the Executive Leader model the council practices and that the Managing Director role is focussed on delivery and ensures there is a rebalancing of the Member/Officer relationships in line with the Local Government Act 2000 and associated regulation.
 - **The Managing Director post will be a ‘first amongst equals’ with the Executive Directors, rather than a Chief Executive:** This will further rebalance the relationship between the most senior officers and the organisation.
 - **The council will have three Executive Directors, rather than five service-based Directors:** This is far more reflective of a modern council with genuinely corporate Directors, rather than service-based directors working in silos. Whilst each Executive Director will have direct reports, they will share joint responsibility within a more corporate approach to ensuring the council’s ambitions are delivered as a team. They are in post to empower and enable Assistant Directors to run their service areas and provide corporate leadership, not to run their respective service areas.
5. Upon the announcement of the new Executive Management Team structure, the council appointed Penna Consulting to support the recruitment campaign for the new Chief Officer roles of Managing Director and Executive Directors.
 6. The council widely advertised the roles through its own microsite, www.buildingharlowsfuture.com, trade press such as the MJ magazine and Guardian Jobs, and an extensive search by Penna Consulting. The job descriptions and adverts can be found on the microsite.
 7. Applications for the Chief Officer roles closed on Friday 13 December 2024 with over 200 applications having been received for these four roles which far outstripped any such previous recruitment campaign by the council.
 8. The process of recruitment following the closing of applications was as follows:
 - Informal introductions and meetings with the Leader of the Council
 - Longlisting to a final eight for each role (w/c 16 December 2024)
 - Technical interviews with sector experts (w/c 8/15 January 2025)
 - Shortlisting to a final three for each role (w/c 15 January 2025)
 - Final interviews with Appointments Panel (w/c 20 January 2025)
 - Formal decision-making Appointments Panel meeting (23 January 2025)
 9. At all times throughout the recruitment process the council has been supported by the market-leading local government recruitment agency, Penna Consulting, and an expert and very well experienced HR Consultant, Paul Smith.
 10. Part 4, Article 9 of the constitution sets out the requirements for senior officer appointments which have been followed for each appointment. Paragraph 4.1 of the article, states that *“the appointment of Chief Officers shall be made by the*

Appointments Panel". The Appointments Panel is made up by the Leader of the Council (Chair), the Deputy Leader of the Council, and the Leader of the Opposition.

11. As noted above, the Appointments Panel conducted final interviews for each new Chief Officer role between Monday 20 January 2025 and Thursday 23 January 2025 with a formal decision-making meeting of the Appointments Panel taking place on Thursday 23 January 2025.
12. Whilst there is ongoing work to design a new constitution, scheme of delegations and governance framework for the council to reflect the transformation, there are immediate updates required to the constitution to reflect the Chief Officer roles.
13. The council is also recruiting to the new Assistant Director (Deputy Chief Officer) roles as detailed within the structure, in line with the requirements of the constitution, and that process is due to be concluded within the coming weeks meaning the council will have a fully appointed new Executive Management Team.

Chief Officer Appointments

14. At the meeting on Thursday 23 January 2025, the Appointments Panel made the following decisions:
 - **RESOLVED** that James Gardner be appointed as the council's new Managing Director (subject to agreement on an appropriate start date).
 - **RESOLVED** that Julie Ellis, Alan Townshend and Giles Clarke be appointed as Executive Directors.
15. These Chief Officer appointments provide an exciting opportunity to the council to accelerate the transformation of the council. A brief introduction for each new Chief Officer is set out below:

Managing Director - James Gardner

James has been leading the council's regeneration, inward investment and commercial development for the last three years and has been the Acting Head of Paid Service since October 2024. James has an expansive career in the private sector and local government with a very strong track record of delivering large scale regeneration projects, transformation programmes and leading large teams.

Executive Director (Housing focus) - Alan Townshend

Alan is an experienced long-serving Executive and Chief Executive and was the head of one of the biggest housing associations in the UK for a number of years. Alan started his senior career over 25 years ago with a short stint at Harlow as Head of Housing, before leaving for more senior roles. He has been working for the council since October 2024 and is leading for the council on the transformation of the council's Local Authority Trading Company – HTS.

Executive Director (Corporate and Regulatory Focus) - Julie Ellis

Julie has an extremely impressive career in both the public and private sectors. She worked at Essex County Council as Director of Change and led service transformation

before moving into the private sector to lead people-focussed transformation as Senior Director, Organisational Excellence within a multi-billion-pound global company. Julie now wants to return to local government to deliver transformation to impact and change people's lives for the better.

Executive Director (Regeneration and Community Focus) - Giles Clarke

Giles has an expansive career in the private sector in development and property - largely as an Executive Director at Grosvenor and Crown Estates. In recent times he has led commercial regeneration, housing investment, asset management and development at the London Borough of Newham as Director of Property.

16. The Appointments Panel unanimously agreed to appoint all four candidates recognising not only their individual expertise and experience, but also their ability to support the council's transformation as part of the new Executive Management Team and build upon the incredible work the existing Assistant Directors are doing.

Designation to Head of Paid Service, Returning Officer and Electoral Registration Officer

17. At the meeting on Thursday 23 January 2025, the Appointments Panel made the following recommendation:
 - **RESOLVED** that the Panel recommended to Full Council that James Gardner be:
 - A Designated as the Head of Paid Service, in accordance with Section 4(1) of the Local Government and Housing Act 1989.
 - B Designated as the Returning Officer and Electoral Registration Officer.
18. The Head of Paid Service (HOPS) responsibilities are defined by Section 4 Local Government and Housing Act 1989. The council must designate one of its officers as the HOPS. This can be any officer other than the Monitoring Officer. The council's constitution details further requirements of the HOPS above and beyond what the legislation dictates, but the constitution is set at the discretion of members. Therefore, the statutory requirements of the HOPS mean they have a duty, where they consider it appropriate to do so, to prepare a report to the council setting out their proposals in respect of the following matters:
 - The manner in which the discharge of the different functions of the council is co-ordinated;
 - the number and grades of staff required by the council for the discharge of its functions;
 - the organisation of the council's staff; and
 - the appointment and proper management of the council's staff.
19. Furthermore, under Section 8, Representation of the People Act 1983 the council is required to designate an Electoral Registration Officer and under Section 35, Representation of the People Act 1983 to designate a Returning Officer. Typically, both designations are made to the same person.

20. In line with the statutory and constitutional requirements, it is recommended that Full Council designates James Gardner as Head of Paid Service, Returning Officer and Electoral Registration Officer with effect from Monday 3 February 2025.

Designation of Acting Monitoring Officer

21. The 'golden triangle' of statutory officers is vitally important for the proper governance and efficient running of the council. This is made up of the Head of Paid Service (HOPS), Section 151 Officer (S151), and the Monitoring Officer (MO).
22. Whilst the council has a HOPS and S151 in place, the current MO, Julie Galvin, is set to leave the council on 21 February 2024 to take up a senior position at another council. Therefore, Full Council must designate the MO responsibilities to another officer upon Julie's departure.
23. The responsibilities of the MO are set out in Section 5 of the Local Government and Housing Act 1989 including to report on matters they believe to be illegal or amount to maladministration, to be responsible for matters relating to the conduct of councillors and officers and, to be responsible for the operation of the council's constitution. This person cannot be the HOPS or S151.
24. The council is currently recruiting a new Assistant Director – Legal and Democratic Services as set out in paragraph 13 of this report. It is planned that this role will also be designated the MO responsibilities upon their appointment. However, it is unlikely that any successful candidate for this role will start with the council for at least two to three months. Therefore, the council needs to designate an Acting MO for this period to cover the MO responsibilities.
25. Since October 2024, Rebecca Farrant has been the Deputy MO and therefore, it is recommended that she be designated as Acting MO with effect from the 21 February until a further report and recommendation comes to Full Council on the MO designation.

Required updates to the constitution

26. As has previously been reported to Full Council, a comprehensive review is being conducted in order to design a new constitution, scheme of delegations and governance framework for the council to ensure that the constitution truly reflects the way the council wishes to operate in line with legislation.
27. Whilst that work continues, minor updates are required to the constitution in order to bring it up to date and reflect the new Executive Management Structure. For example, the current constitution refers to a 'Chief Executive' and 'Directors' and therefore, these and a number of minor amendments need to be implemented.
28. Therefore, it is recommended that delegation is given to the Monitoring Officer, in consultation with the Leader of the Council, to make any such amendments before Monday 3 February 2025.

29. Given the new Executive Management Team structure is also coming into force, it is recommended that Full Council formally require the Leader of the Council and Monitoring Officer to present the work that has been ongoing to design a new constitution for the council to a meeting of the Constitution Panel with the intention of the new draft constitution coming to Full Council as soon as is practically possible for adoption to reflect the new Executive Management Structure, scheme of delegations, governance framework and other such changes.

Implications

Equalities and Diversity

None specific as there are no direct equality implications arising from this report. The recruitment process has been conducted in line with the Council's Equality and Diversity policies. The specialist external executive company supporting the process has an inclusive recruitment approach that sought to ensure that the widest range of credible candidates had the opportunity to apply.

Author: Paul Smith, HR Consultant

Climate Change

None specific.

Author: Paul Smith, HR Consultant

Finance

All employment costs for the posts have been factored into the base budget for 2025/2026 and such costs within the current financial year will be met from existing budgets.

Author: Jacqui Van Mellaerts, Assistant Director – Finance and Section 151 Officer

Governance

The council has followed all legislative and constitutional requirements for the appointments to Chief Officer roles and the designation of statutory responsibilities as set out in the report. The minor required updates to the constitution will be made within the required timeframe should Full Council approve the relevant recommendations.

Author: Julie Galvin, Legal Services Manager and Monitoring Officer

Appendices

None.

Background Papers

None.

Glossary of terms/abbreviations used

None.