

**REPORT TO:** East Lothian Council

**MEETING DATE:** 25 February 2020

**BY:** Depute Chief Executive (Resources and People Services)

**SUBJECT:** Appointment of Chief Executive

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## **1 PURPOSE**

- 1.1 To advise Council of the decision of the Chief Officer and Head Teacher Appointments Sub-committee to select Monica Patterson as the new Chief Executive of East Lothian Council, and of various matters that arise as a result.
- 1.2 To ask Council to note the details of the retirement of Alex McCrorie, Depute Chief Executive (Resources and People Services).

## **2 RECOMMENDATIONS**

- 2.1 Council is asked to note the decision of the Chief Officer and Head Teacher Appointments Sub-committee to select Monica Patterson for the post of Chief Executive and to note that after satisfactory formal pre-employment checks were carried out an offer of employment was issued and Monica Patterson took up the post of Chief Executive on 3 February 2020.
- 2.2 Council is asked to note and approve any changes required to Standing Orders Appendix 2 (Scheme of Delegation) in relation to the delegations to the Head of Paid Service as detailed in Section 4.
- 2.3 Council is asked to approve the minute of the Chief Officer and Head Teacher Appointments Sub-committee held on 16 December 2019.
- 2.4 Council is asked to appoint the new Chief Executive, Monica Patterson, to carry out the role of Returning Officer within the East Lothian area.
- 2.5 Council is asked to note the intended retirement of Alex McCrorie, Depute Chief Executive (Resources and People Services) by reason of age.

- 2.6 Council is asked to appoint Kirstie MacNeill, Service Manager – People and Governance as interim Monitoring Officer.

### **3 BACKGROUND**

- 3.1 Following receipt of a letter of resignation from the then Chief Executive Angela Leitch and a report to Council on the subject on 29 October 2019, the Council carried out a public recruitment campaign and selection process for the post of Chief Executive, as described in that report. A cross-party sub-committee was established to make the appointment to the post of Chief Executive.

- 3.2 SOLACE in Business provided independent external advice throughout the recruitment campaign, candidate selection and interview process.

- 3.3 The national external recruitment campaign successfully attracted 20 applications from which five individuals were shortlisted and invited to attend an Assessment Centre Day conducted by SOLACE in Business on 9 December 2019 followed by formal interview by the Sub-committee on 16 December 2019.

- 3.4 During the Assessment Centre Day the candidates underwent rigorous independent external pre-interview candidate profiling. This involved psychometric testing, a competency interview, a paper exercise and a presentation to and questioning from a stakeholder panel. All of these exercises were facilitated independently by SOLACE in Business.

- 3.5 The Sub-committee that interviewed the candidates on 16 December comprised:

Cllr Norman Hampshire

Cllr John McMillan

Cllr Jane Henderson

Cllr Stuart Currie

Cllr Fiona Dugdale

- 3.6 At interview on 16 December the candidates were required to give a presentation to the Sub-committee and to respond to a number of pre-set competency based interview questions. The Sub-committee was advised by SOLACE in Business and was supported by the Service Manager – People and Governance.

- 3.7 Following the interview and taking full account of the candidates' performances at the Assessment Centre Day, the Sub-committee determined that Monica Patterson should be selected as the preferred candidate for the post of Chief Executive.

- 3.8 Relevant pre-employment checks were carried out and, having found those to be acceptable, Monica Patterson was appointed as the Chief Executive of East Lothian Council with effect from 3 February 2020.
- 3.9 The Representation of the People Act 1983 requires every local authority to appoint a Returning Officer (RO) for each election of councillors for the authority. By virtue of this appointment, the holder also automatically becomes responsible for discharging the duties of RO at UK Parliamentary elections and Scottish Parliamentary elections. This would extend to the duties of Local Counting Officer in support of any national referendum. The appointment is personal and, in common with most Scottish councils, in East Lothian it has traditionally been offered to the Chief Executive.
- 3.10 Once appointed, the Council is required by statute to place at the disposal of the RO the services of staff and other resources for the purpose of discharging their elections responsibilities. The RO is not accountable to the Council for their actions in respect of the conduct of elections and the Council cannot direct or instruct the RO on how to carry out any aspect of the election process.
- 3.11 From the departure of Angela Leitch on 26 November, Alex McCrorie had taken up the role of interim Chief Executive pending the appointment to that post on a permanent basis. He had also intimated his intention to retire by reason of age once the permanent appointment had been made. He has now reverted to his substantive post and has made the decision to retire in the near future.
- 3.12 The Local Government and Housing Act 1989 s.5 requires all councils to appoint a Monitoring Officer to ensure that the Council complies with the requirements of the law and any statutory Codes of Practice. The Chief Executive does not feel it appropriate for her to continue in this role. It is therefore proposed that the Service Manager – People and Governance, who has acted as Depute Monitoring Officer for a number of years, should be appointed to this post on an interim basis pending a review of the structure of the Council Management Team.

#### **4 POLICY IMPLICATIONS**

- 4.1 Monica Patterson has assumed the statutory post of “Head of Paid Service” in terms of the Local Government and Housing Act 1989 and may also act in any matter as the “Proper Officer” of and on behalf of the Council as provided for in s.235 (3) of the Local Government (Scotland) Act 1973 or otherwise as provided for in the Council’s Standing Orders.

#### **5 INTEGRATED IMPACT ASSESSMENT**

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy

## 6 RESOURCE IMPLICATIONS

6.1 Financial - None

6.2 Personnel - Monica Patterson has been appointed as the new Chief Executive of East Lothian Council.

6.3 Other - None

## 7 BACKGROUND PAPERS

7.1 Report to Council 29 October 2019

<b>AUTHOR'S NAME</b>	Kirstie MacNeill
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<b>DATE</b>	13 January 2020



**MINUTES OF THE MEETING OF THE  
CHIEF OFFICER and HEAD TEACHER APPOINTMENTS SUB-COMMITTEE  
for  
APPOINTMENT TO THE POST OF  
CHIEF EXECUTIVE**

**held on 16 December 2019**

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**Chief Officer Appointments Sub-Committee:**

Councillor Norman Hampshire (Chair)  
Councillor Stuart Currie  
Councillor Fiona Dugdale  
Councillor Jane Henderson  
Councillor John McMillan

**In Attendance:**

Evelyn Dougherty, Project Director – Scotland, SOLACE in Business

**Council Official:**

Kirstie MacNeill, Service Manager – People and Governance

Evelyn Dougherty presented a written report on the Assessment Centre Exercises undertaken on 9 December 2019 by the five shortlisted candidates about to be interviewed. Before each candidate was interviewed she also gave a summary on their individual performance. The Sub-committee noted the report and summaries.

Each of the five shortlisted candidates was seen in turn and each gave presentations on the same pre-set subject before they were interviewed by the Sub-committee using the same set questions for each candidate, supplemented by additional questions. Members of the Sub-committee completed their individual assessments of each candidate's performance immediately following that candidate's interview. Once all candidates had been interviewed and had left, Evelyn Dougherty assisted the Sub-committee by presenting an oral summary of each candidate's presentation and interview performance. Members of the Sub-committee then in turn gave their views on the relative performance of

each of the candidates, including their scoring on the candidates' presentations and their responses to the questions. Each Member expressed a view on the identity of their preferred candidate.

The Sub-committee then held a vote, as a result of which one of the candidates, Monica Patterson, received a majority of the votes cast. Monica Patterson was therefore declared to be the preferred candidate.

The Service Manager – People and Resources explained that the appointment of Monica Patterson would be subject to the usual pre-employment checks for any preferred candidate and that those would be carried out prior to formal appointment as the new Chief Executive. A report would be made to East Lothian Council for noting in due course.