
Meeting: Council

Date: 24 June 2010

Subject: Designation of Statutory Officers

Report of: Portfolio holder for Finance, Governance and People

Summary: The report requests the Council to designate posts to fulfil the following statutory officer roles:-

- (a) Chief Finance/Section 151 Officer;
- (b) Monitoring Officer; and
- (c) Scrutiny Officer.

Additionally to consider action which potentially may be necessary to designate a post as Monitoring Officer on an interim basis.

Contact Officer: Richard Ellis

Public/Exempt: Public

Wards Affected: Not applicable

Function of: Council

CORPORATE IMPLICATIONS

Council Priorities:

The statutory officers contribute to the delivery of all of the Council's objectives by the provision of professional support.

Financial:

There will be a small cost associated with any appointment of an Interim Monitoring Officer, but this will be met within existing budgets.

Legal:

The Council is required to designate posts to fulfil the following statutory officer roles:-

- (a) a Chief Finance Officer to administer arrangements for the financial affairs of the Authority under Section 151 of the Local Government Act 1972 and Section 6 of the Local Government and Housing Act 1989;
- (b) A Monitoring Officer to ensure lawfulness and fairness of Council decision making under Section 5 of the Local Government and Housing Act 1989; and

- (c) A Scrutiny Officer to promote the role of the Council's overview and scrutiny committees and to provide support and guidance to those committees, under Section 31 of the Local Democracy, Economic Development and Construction Act 2009.

Risk Management:

Should it prove necessary, the appointment of an Interim Monitoring Officer will ensure the effective management of any risk that may arise pending appointment to the post of Assistant Director, Governance.

Staffing (including Trades Unions):

None specifically.

Equalities/Human Rights:

Due regard was had to all equal opportunities duties in carrying out the recruitment processes for the posts of Assistant Director, Financial Services and Assistant Director, Governance.

Community Safety:

None specifically.

Sustainability:

None specifically.

RECOMMENDATION(S):

1. That the post of Assistant Director, Financial Services be designated as Chief Finance Officer (Section 151 Officer).
2. (a) That the post of Assistant Director, Governance be designated as Monitoring Officer following recruitment to the post.

(b) That, the principle of appointing an Interim Monitoring Officer from among the existing Deputy Monitoring Officers at the point that the position of Monitoring Officer becomes vacant, be approved.

(c) That the Director of Customer and Shared Services, after consultation with the Leader of the Council, accordingly be authorised to designate one of the existing Deputy Monitoring Officers as Interim Monitoring Officer, should this prove necessary.
3. That the post of Assistant Director, Strategy and Performance be designated as Scrutiny Officer.
4. That the Chief Executive, after consultation with the Constitution Advisory Group, be authorised to make the necessary amendments to paragraph 2 of Part H1 of the Constitution to reflect the new statutory officer designations proposed above.

1. A comprehensive review of the Council's senior management arrangements has taken place, taking account of the need to reduce the Council's costs and to deliver customer-focused services.
2. Following a period of consultation upon the draft proposals with the staff concerned and with the recognised trade unions and professional associations, the Executive received details of the final senior management structure at its meeting on 9 March 2010.
3. In the light of the revised senior management structure, it is now necessary designate posts to fulfil the various statutory officer roles as follows:-

3.1 *Chief Finance Officer/Section 151 Officer*

- 3.1.1 It is necessary to designate a post as Chief Finance Officer to exercise the functions under Section 151 of the Local Government Act 1972 and Section 6 of the Local Government and Housing Act 1989 in respect of the administration of the Authority's financial affairs.
- 3.1.2 The Chief Finance Officer must be financially qualified and of sufficient status to undertake the duties associated with this statutory role.
- 3.1.3 It is proposed to designate the post of Assistant Director, Finance as the Council's Chief Finance Officer/Section 151 Officer.
- 3.1.4 Following a recent Member selection process, Matt Bowmer has been appointed to the post of Assistant Director, Finance.

3.2 *Monitoring Officer*

- 3.2.1 The Council is required to appoint a Monitoring Officer under Section 5 of the Local Government and Housing Act 1989.
- 3.2.2 The Monitoring Officer is responsible for ensuring the lawfulness and fairness of Council decision-making, statutory compliance, compliance with Codes and Protocols and promoting good governance and high ethical standards.
- 3.2.3 Neither the Head of Paid Service nor the Chief Finance Officer may be the Monitoring Officer.
- 3.2.4 It is proposed that the post of Assistant Director, Governance should be designated as the Council's Monitoring Officer.

3.2.5 No appointment was made to the post of Assistant Director, Governance following a recent Member selection process. It is therefore proposed that at the point at which the position of Monitoring Officer becomes vacant, one of the existing Deputy Monitoring Officers should be designated as the Interim Monitoring Officer pending the permanent appointment to the post of Assistant Director, Governance. The Council is asked to authorise the Director of Customer and Shared Services, after consultation with the Leader of the Council, to designate an Interim Monitoring Officer, should this prove necessary.

3.3 *Scrutiny Officer*

3.3.1 There is a new requirement under Section 31 of the Local Democracy, Economic Development and Construction Act 2009 upon unitary and county councils to appoint a "Scrutiny Officer".

3.3.2 The functions of the Scrutiny Officer are to:-

- promote the role of the Authority's overview and scrutiny committees;
- provide support to the overview and scrutiny committees and members of those committees;
- provide support and guidance to Members and officers on the functions of the overview and scrutiny committees.

3.3.3 The post cannot be held by the Head of Paid Service, Monitoring Officer or Chief Finance Officer.

3.3.4 It is proposed that the post of Assistant Director, Strategy and Performance should be designated as the Council's Scrutiny Officer.

4. No amendments are required in respect of other required statutory officer roles. The Council's Director of Children, Families and Learning is designated as the statutory Chief Education Officer and Director of Children's Services. The Director of Social Care, Health and Housing is designated as the Council's statutory Director of Adult Social Services.

5. The Council is requested to authorise the Chief Executive, after consultation with the Constitution Advisory Group, to make the necessary consequential amendments to paragraph 2 of Part H1 of the Constitution arising from the new designations referred to in paragraph 3 above.

Appendices: None

Background Papers: (open to public inspection)

None

Location of papers: N/A