

Council

19 March 2019

**Appointment of Statutory Officers
And Officer Delegations**

Recommendations

1. That the Strategic Director Resources is appointed as the Chief Finance Officer and s.151 Officer
2. That the Assistant Director Governance and Policy is appointed as the Monitoring Officer
3. That the Assistant Director Finance and ICT is appointed as the Deputy s.151 Officer
4. That the Legal Services Manager is appointed as the Deputy Monitoring Officer

1.0 Background

- 1.1 The Council is required pursuant to Section 151, Local Government Act 1972 and Sections 4 and 5 Local Government and Housing Act 1989 to appoint the following statutory positions whose role and purpose includes the safeguarding of the governance of the Council:
 - Head of Paid Service
 - Chief Finance Officer/ s.151 Officer
 - Monitoring Officer
- 1.2 Following the retirement of David Carter and the decision of the Council to revert to a system of Chief Executive and three Strategic Directors as part of the ongoing transformation project, Monica Fogarty as Chief Executive has been appointed to the role of Head of Paid Service.
- 1.3 It is necessary to reappoint to the Statutory Officer posts of Chief Finance Officer/s151 Officer and Monitoring Officer.
- 1.4 The Assistant Director Finance and ICT was appointed as the Chief Finance Officer/ s151 Officer until 31 March 2019. The Assistant Director Finance and ICT left the Council on 31 January 2019 and the role is being covered on an interim basis pending recruitment of a permanent replacement.
- 1.5 From 1 April 2019, the Strategic Director Resources will be Robert Powell. Robert is an accountant and qualified to hold the post of Chief Finance Officer/ s151 Officer.

- 1.6 The Assistant Director Governance and Policy was appointed as the Monitoring Officer until 31 March 2019.
- 1.7 The Assistant Director Governance and Policy remains in post and it is proposed that the appointment of the Assistant Director Governance and Policy to the role of Monitoring Officer continues.
- 1.8 Both roles (s.151 Officer and Monitoring Officer) require a deputy to be in place to provide cover for absence.
- 1.9 It is proposed that the Deputy s151 Officer be the Assistant Director Finance and ICT given the financial duties and obligations of the role.
- 1.10 It is proposed that the Deputy Monitoring Officer be the Legal Services Manager given the legal obligations of the role.

2.0 The Duties, Powers and Responsibilities of Statutory Officers

Monitoring Officer

- 2.1 The Monitoring Officer is responsible for promoting and maintaining high standards of conduct and therefore provides support to the Audit and Standards Committee. The Monitoring Officer is also responsible for reporting any actual or potential breaches of the law or maladministration to cabinet and/or full council and for ensuring that the procedures for recording and reporting key decisions are operated effectively.
- 2.2 The Monitoring Officer is responsible for:
 - Ensuring that reports encompass the statutory obligations with regard to their legal and financial advice and content;
 - Ensuring member decisions and the reasons for them are made public unless they qualify as exempt reports;
 - Advising both members and officers about who has authority to take a particular decision;
 - Advising members about whether a decision is likely to be considered contrary or not wholly in accordance with the County Council's budget and policy framework;
 - Maintaining an up to date constitution; and
 - Maintaining a register of members' and officers' interests.

S.151 Officer

- 2.3 The Chief Finance Officer must discharge the statutory duties defined in the following legislation and codes:
 - The Local Government Act 1972, section 151;
 - The Local Government Finance Act 1988, sections 112-114;

- The Local Government and Housing Act 1989;
- The Local Government Act 2003;
- The Accounts and Audit (England) Regulations 2011;
- The Code of Practice on Local Authority Accounting in the United Kingdom (based on International Financial Reporting Standards);
- The Prudential Code for Capital Finance in Local Authorities; and
- Any CIPFA statements defining best practice.

2.4 To meet the requirements of section 151 of the Local Government Act 1972, the County Council has designated the Chief Finance Officer as the officer responsible for the administration of its financial affairs and that is why the Chief Finance Officer is sometimes referred to as the 'Section 151 officer'

- 2.5 To fulfil the statutory responsibilities, the Chief Finance Officer must:
- Nominate a named officer as the deputy Section 151 officer to act in this role in the absence of the Chief Finance Officer;
 - Provide financial advice to members to support the strategic planning and policy making processes and service development to ensure efficient and effective use of resources;
 - Provide advice and financial information to members, strategic directors and assistant directors on the optimum use and adequacy of available resources and management of both capital and revenue budgets;
 - Establish the County Council's accounting records and control systems.

3.0 Timescales associated with the decision and next steps

3.1 If agreed the appointments will have effect from 1 April 2019.

Background papers

None

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