



REPORT OF:	CHIEF EXECUTIVE
TO:	COUNCIL FORUM
ON:	22nd JULY 2021

SUBJECT: APPOINTMENT OF MONITORING OFFICER, APPOINTMENT OF SECTION 151 OFFICER & UPDATING OF THE CONSTITUTION

1. PURPOSE OF THE REPORT

To advise Council that the current Monitoring Officer will leave his post on 12th September 2021 and to ask Council to agree the arrangements for the Monitoring Officer function following this date.

To update the Council on the recruitment of the Director of Finance (Section 151 Officer) and formally agree the appointment as the Council's s151 Chief Financial Officer from 23rd August 2021.

To also request the Council approve updates of the Constitution as set out in this report.

2. RECOMMENDATIONS

The Council is asked:

1. To note the current Monitoring Officer, David Fairclough will leave his post on 12th September 2021
2. To approve that Asad Laher, Head of Legal & Governance / Council Solicitor be appointed Monitoring Officer with effect from 13th September 2021
3. To note the appointment of Dean Langton as Director of Finance and to approve that he be appointed the Council's Section 151 Chief Financial Officer with effect from 23rd August 2021.
4. To approve the updates to the Scheme of Delegation in the Council Constitution as set out in this report.

3. INFORMATION

3.1 Appointment of Monitoring Officer

Currently David Fairclough, Director HR, Governance and Engagement, is the Council's Monitoring Officer, being appointed by the Council to this role in March 2011.

In September 2021, David will retire from his post with the Council and therefore the Council must appoint a new Monitoring Officer.

Given the wider impact of Covid and the current range of associated interim management and service delivery activities, arrangements are yet to be concluded for the permanent recruitment for the post of Director HR, Governance & Engagement. In due course however a report will be presented to the Chief Officer Employment Committee in respect of this vacancy.

In the meantime, the Chief Executive, having consulted with members of the Chief Officer Employment Committee, has made arrangements to cover the duties and responsibilities of this role via a temporary realignment of responsibilities primarily through two existing senior members of the extended leadership team, with associated support.

Firstly via a role of Strategic Head of Service, HR & Engagement (Covid Coordination) & secondly via a role of Strategic Head of Service, Legal & Governance.

The latter post contains the duties and responsibilities associated with the Monitoring Officer role, given Section 5 of the Local Government & Housing Act 1989 requires Councils to appoint a Monitoring Officer to undertake the statutory responsibilities and the duties contained in the Constitution.

It is proposed therefore that Asad Laher who has been appointed on an interim basis as Strategic Head of Service, Legal & Governance, and who currently acts as the Council Solicitor and Deputy Monitoring Officer, now be appointed by Council to be the Monitoring Officer pending a future report regarding the longer term position.

These changes outlined will require some interim changes to the Scheme of Delegation and other related role responsibilities set out in the Constitution. Details of these proposed changes are set out below.

3.2 Appointment of Director of Finance (Section 151 Officer)

As reported to Finance Council on 1st March 2021 the previous postholder had given notice of resignation from the above post and subsequently left the Council in April 2021.

The Finance Council approved that Denise Park, be appointed interim Section 151 Officer pending an appointment to the post of Director of Finance by the Chief Officer Employment Committee.

Following an external open recruitment process the Chief Officer Employment Committee in May unanimously agreed that Dean Langton be appointed to the post of Director of Finance and that he be recommended to the Council for appointment to the s151 Chief Financial Officer role. Dean will take up the post with effect from 23rd August 2021.

3.3 Constitution Updates

The Constitution was last updated in March 2021.

The Constitution is a key document setting out the governance framework of the Council. From time to time the constitution needs to be updated to reflect changes in legislation, resolutions passed by Council, portfolio changes made by the Leader, and changes made to the Council management structure and delegations.

The Monitoring Officer and Section 151 Officers regularly review the Constitution to ensure continued compliance with legislation, to clarify where necessary, to deal with any potential errors or inaccuracies and to generally keep the Constitution up to date.

The Officer Scheme of Delegation forms part of the Constitution and as changes are made to roles and responsibilities, this regularly requires updating.

In this context it is proposed to update the Officer Scheme of Delegation as follows: (Part 3 section 16)

3.3.1. Public Protection responsibilities

It is considered appropriate to further clarify roles and responsibilities between the delegated powers of the Director of Place and Strategic Director of Adults & Health to assist understanding and transparency. It is proposed the following additional delegation is inserted in the specific delegations for the Director of Place:

“To exercise the powers and duties of the Anti-Social Behaviour, Crime and Policing Act 2014 insofar as they facilitate, or are conducive or incidental to the discharge of any of the Council’s public protection functions including environmental health, trading standards, licensing, housing standards and environmental protection matters.”

With a consequential amendment to paragraph 13 of the powers for the Strategic Director of Adults & Health to read

“13. To exercise all relevant powers under the Anti-Social Behaviour, Crime and Policing Act 2014 (except where such powers are exercised by the Director of Place).”

3.3.2. Director HR, Governance & Engagement – Interim Arrangements

As set out above this post becomes vacant in September 2021 and the Chief Executive, has made arrangements to cover the duties and responsibilities of this role via a temporary realignment of responsibilities.

It is proposed, subject to the Council Forum agreement on the role of Monitoring Officer set out above, that the Officer Scheme of Delegation therefore be temporarily amended to confirm the `General Delegations to all Chief Officers` (Section 16, A.– C.) can be exercised by the two identified post holders and also that the Strategic Head of Service, HR & Engagement (Covid Coordination) be specifically delegated duties, 2, 8, 10, 15, &

16 and the Strategic Head of Service, Legal & Governance be specifically delegated duties 1, 2, 3, 4, 5, 6, 7, 9, 11, 12, 13, 14, 15. – Both subject to the accountability and concurrence of the Chief Executive or Strategic Director Resources as appropriate.

3.3.3. Deputy Directors

Currently the Officer Scheme of Delegation does not specifically record the deputy function which provides resilience and assurance to the organisation in the absence of Strategic Directors. It is proposed to address this omission by the inclusion of the following

“To the Deputy Director Adult Social Care

All Powers shall be exercised in compliance with the law and the Council’s Constitution, policies, rules and controls issued by the Council from time to time including specifically the Financial Procedure Rules and the Contract and Procurement Procedure Rules.

The Deputy Director be authorised to exercise all the Authority’s powers, functions and responsibilities in relation to services delivered by the Adult & Health Department in the absence of the Strategic Director Adults & Health

The Deputy Director to also have directly delegated from the Strategic Director Adults & Health such powers and duties as may be set out as described annually under paragraph 1 of this Scheme of Delegation”

“To the Deputy Director Children’s Social Care

All Powers shall be exercised in compliance with the law and the Council’s Constitution, policies, rules and controls issued by the Council from time to time including specifically the Financial Procedure Rules and the Contract and Procurement Procedure Rules.

The Deputy Director be authorised to exercise all the Authority’s powers, functions and responsibilities in relation to services delivered by the Children’s Services & Education Department in the absence of the Strategic Director Children & Education

The Deputy Director to also have directly delegated from the Strategic Director Children & Education such powers and duties as may be set out as described annually under paragraph 1 of this Scheme of Delegation”

“To the Deputy Director Education Services

All Powers shall be exercised in compliance with the law and the Council’s Constitution, policies, rules and controls issued by the Council from time to time including specifically the Financial Procedure Rules and the Contract and Procurement Procedure Rules.

The Deputy Director be authorised to exercise all the Authorities powers, functions and responsibilities in relation to services delivered by the Children’s Services & Education Department in the absence of the Strategic Director Children & Education

The Deputy Director to also have directly delegated from the Strategic Director Children & Education such powers and duties as may be set out as described annually under paragraph 1 of this Scheme of Delegation”

Contact Officer: Denise Park, Chief Executive
David Fairclough, Director HR, Governance & Engagement

Date: 14 July 2021

Background Papers: Appointment of Monitoring Officer
Appointment of Section 151 Officer
Constitution Updates