

<b>REPORT TO:</b>	<b>Council</b> <b>11 October 2021</b>
<b>SUBJECT:</b>	<b>APPOINTMENT OF INTERIM STATUTORY CHIEF OFFICERS</b>
<b>LEAD OFFICER:</b>	<b>Katherine Kerswell</b> <b>Chief Executive</b>
<b>WARDS:</b>	<b>ALL</b>

## **1. RECOMMENDATIONS**

Council is recommended to:

- 1.1 Appoint John Jones as the Council's Interim Monitoring Officer from the date of this meeting pending recruitment to the Director of Legal Services and Monitoring Officer post on a permanent basis; and
- 1.2 Note the appointment of Richard Ennis as the Council's interim statutory Section 151 Chief Finance Officer and Corporate Director of Resources on 2 September 2021.

## **2. EXECUTIVE SUMMARY**

- 2.1 This report asks Councillors to agree to appoint John Jones as the Interim Monitoring Officer following the resignation of the Council's previous Interim Monitoring Officer, Asmat Hussain.
- 2.2 Councillors are also asked to note the appointment of Richard Ennis as the interim statutory Section 151 Officer and Corporate Director of Resources following the resignation of the previous Interim Director of Finance, Investment and Risk and Section 151 Chief Finance Officer, Chris Buss.

## **3. APPOINTMENT OF INTERIM MONITORING OFFICER**

- 3.1 Under Section 5 of the Local Government & Housing Act 1989 (as amended), the Council has a duty to appoint a Monitoring Officer. Neither the Head of Paid Service nor the Chief Finance Officer (section 151 officer) can hold the position of Monitoring Officer. There is no statutory requirement for the position to be held by a legally qualified officer.
- 3.2 The Monitoring Officer has a number of statutory duties and responsibilities relating to the Council's Constitution and its arrangements for effective governance. Those duties include maintaining the Constitution, ensuring the lawfulness and fairness of decision making and promoting high standards of

conduct. The Monitoring Officer's responsibilities are listed in full in Article 12 and Part 5C of the Council's Constitution.

- 3.3 The Council's previous Interim Executive Director of Resources and Monitoring Officer, Asmat Hussain, left the Council's employment on Friday 24 September 2021.
- 3.4 Following a recruitment process involving Members of both political groups, John Jones was the successful candidate for the role of Interim Monitoring Officer. This report asks Council to appoint John Jones to fulfil the role of Monitoring Officer on an interim basis until such time as a permanent appointment is made.
- 3.5 Members will be aware that such a permanent appointment will flow from recommendations regarding the organisational redesign of the Council, including the structure and job roles for the three most senior tiers of management, that were agreed at the Council meeting held on 5 July 2021.

#### **4. APPOINTMENT OF INTERIM CHIEF FINANCE OFFICER**

- 4.1 Section 151 of the Local Government Act 1972 requires local authorities to make arrangements for the proper administration of their financial affairs and appoint a S151 Officer, also known as a Chief Finance Officer, to have responsibility for those arrangements.
- 4.2 As such, the Chief Finance Officer must lead on a local authority's financial functions and ensure they are fit for purpose. Chief Finance Officers must be professionally qualified and suitably experienced. They cannot also hold the position of Monitoring Officer and their full duties are detailed in Article 12 of the Constitution.
- 4.3 In accordance with the Local Government Finance Act 1988 the Chief Finance Officer must be a member of one of the following bodies in order to qualify as a responsible officer:
  - (a) the Institute of Chartered Accountants in England and Wales;
  - (b) the Institute of Chartered Accountants of Scotland;
  - (c) the Chartered Association of Certified Accountants;
  - (d) the Chartered Institute of Public Finance and Accountancy;
  - (e) the Institute of Chartered Accountants in Ireland;
  - (f) the Chartered Institute of Management Accountants; and
  - (g) any other body of accountants established in the United Kingdom and for the time being approved by the Secretary of State for the purposes of this section.
- 4.4 Following a recruitment process involving Members of both political groups, and in accordance with powers delegated to her under paragraph 3.3(2) of Part 4J of the Constitution, the Chief Executive appointed Richard Ennis as the Interim Director of Finance with effect from 23 August 2021. Richard Ennis is a member of the Chartered Institute of Management Accountants.

- 4.5 This appointment allowed a handover period prior to the departure of the outgoing Interim Director of Finance, Investment and Risk and Section 151 Chief Finance Officer, Chris Buss, whose last working day at the Council was 1 September 2021. Chris Buss remained the Council's Interim Chief Finance Officer during that handover period and Richard Ennis has been the Interim Chief Finance Officer since 2 September 2021.
- 4.6 Following the departure of the Interim Executive Director of Resources, Asmat Hussain on 24 September 2021, and in keeping with the organisational redesign of the Council that was agreed at the Council meeting held on 5 July 2021, Richard Ennis has now moved into the position of Interim Corporate Director of Resources and Section 151 Officer.

## **5. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS**

- 5.1 There are no new financial implications arising from the recommendations in the report.

Approved by Matthew Davis, Interim Director of Finance.

## **6. LEGAL CONSIDERATIONS**

- 6.1 The Council may generally appoint such staff as it considers necessary for the proper discharge of its functions, as the Council thinks fit. However, there are certain statutory appointments which must be made.
- 6.2 The Local Government and Housing Act 1989 (the 1989 Act) section 5 (as amended by the Local Government Act 2000) places a duty upon the Council to designate one of their officers to be known as the Monitoring Officer. The duties of the Monitoring Officer include the requirement in section 5A to prepare a report to the Council if at any time it appears to him/her that any proposal, decision or omission by the Council or any of the Council's committees, sub-committees or officers or any joint committee on which the Council is represented has given rise to or is likely to give rise to a contravention by the Council of any enactment or rule of law or any such maladministration. The Monitoring Officer also has additional statutory responsibilities set out in the Localism Act 2011 regarding maintenance of the ethical framework for Members.
- 6.3 The Council is separately required to provide the Monitoring Officer with such staff, accommodation and other resources as are, in his/her opinion, sufficient to allow those duties to be performed.
- 6.4 The officer so designated by the Council may not be the head of the authority's paid service or its chief finance officer.
- 6.5 Section 5(7) of the 1989 Act goes on to provide that the Monitoring Officer has the power to appoint deputies.
- 6.6 Separately the Council's Constitution provides in the Staff Employment Procedure Rules at part 4J the procedures to be followed for the appointment of Chief Officers (which includes the Monitoring Officer), the declaration which

must be made by candidates and a notification process to ensure that the Leader and any other Cabinet Members have no objections to the offer of appointment.

- 6.7 This report is designed to ensure compliance with the statutory responsibilities placed upon the Council regarding such an appointment.

Approved by Doutimi Aseh, (Interim) Director of Law & Governance & Deputy Monitoring Officer

## **7. HUMAN RESOURCES IMPACT**

- 7.1 There are no Human Resources implications beyond those detailed in the body of the report.

Approved by: Jennifer Sankar, Head of Human Resources

## **8. EQUALITIES IMPACT**

- 8.1 The appointment processes for both roles set out in this report have been undertaken in accordance with the Council's agreed processes.

Approved by: Gavin Handford, Director of Policy, Programmes and Performance

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**CONTACT OFFICER:** Katherine Kerswell, Chief Executive

**BACKGROUND DOCUMENTS:** There are no unpublished documents which have been relied on in the production of this report.