

## **Report of the Chief Executive – Appointment of the Section 151 Officer, Director of Adult Social Services and Monitoring Officer**

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### **1. Summary**

**1.1** This report sets out recommendations to the County Council to appoint officers to the following statutory officer roles:

- Jason Vaughan (Director of Finance from 1 March 2020) to the statutory role of Section 151 Officer with delegated powers (from 1 March 2020);
- Mel Lock (Director of Adult Social Services) to the statutory role of Director of Adult Social Services with delegated powers; and
- Scott Wooldridge (Strategic Manager-Governance & Democratic Services) to the statutory role of Monitoring Officer with delegated powers.

All of the above appointments are politically restricted statutory posts under Section 2 of the Local Government and Housing Act 1989 (as amended) and must be appointed by the County Council rather than the Cabinet.

The Chief Finance Officer (locally known as the S151 officer) and Monitoring Officer appointments arise out of sections 4 to 6 of the Local government and Housing Act 1989. The appointments are personal to the officers and once appointed by Council they have personal responsibilities to the Council as a whole. Their prime responsibility individually and jointly is to ensure the good governance of the council. Normally the Chief Finance Officer and the Monitoring Officer are held by the Council's most senior financial and governance officers.

### **2. Recommendations**

#### **2.1 Appointment of Chief Finance Officer (Section 151 Officer)**

**To appoint and empower Jason Vaughan (Director of Finance from 1 March 2020) to the statutory role of Chief Finance Officer (Section 151 Officer) with all the legislative and constitutional delegated powers for this role with effect from 1 March 2020 (see section 3.1 below).**

#### **2.2 Appointment of Director of Adult Social Services**

**To appoint and empower Mel Lock (Director of Adults & Health Services) to the statutory role of Director of Adult Social Services with all the legislative and constitutional delegated powers for this role with immediate effect (see**

section 3.2 below).

## **2.3 Appointment of Monitoring Officer**

**To appoint and empower Scott Wooldridge (Strategic Manager-Governance & Democratic Services) to the statutory role of Monitoring Officer with all the legislative and constitutional delegated powers for this role with immediate effect (see section 3.3 of this report).**

## **3. Background**

### **3.1. Appointment of Chief Finance Officer (Section 151 Officer)**

**3.1.1** The current arrangement for an interim Director of Finance post and its responsibility for the section 151 role has been a key part of the Senior Leadership team and instrumental in helping to create a financially sustainable council.

Whilst the S151 officer may deputise his duties to another officer, it may not, however, be to the monitoring officer who is not allowed by legislation to hold the S151 officer role.

**3.1.2** A process to fill the Director of Finance role on an interim basis was completed in May 2018 (Peter Lewis) and March 2019 (Sheila Collins). These appointments gave the following advantages:

- Providing Somerset County Council with significant financial and business expertise gained at other organisations; and
- A view as to the strength and capability of the current Finance function and where our skills and capacity might need to be enhanced.

**3.1.3** The role and functions of the Chief Finance Officer (S151 Officer) are directly informed by a comprehensive framework of statutory duties and responsibilities.

In summary, the Chief Finance Officer:

- is a role prescribed by law and local authorities must assign Section 151 duties to one officer who must be a qualified member of a recognised accountancy body;
- must ensure compliance with all statutory requirements for accounting and internal audit (including supporting records and all systems of internal checks and control);
- manage the financial affairs of the authority in all its dealings and transactions and in so doing secure the proper stewardship of Council (and Members) responsibilities;
- must report under S114 powers to the Cabinet, the District Auditor and all Members of an authority if there is, or is likely to be any item of unlawful expenditure or an unbalanced budget;
- to certify the Annual Statement of Accounts;

- owes a personal duty of care to local tax payers in managing Council resources on their behalf. In discharging this responsibility, the S151 Officer must balance the needs and interests of both current and future taxpayers.

The statutory powers and functions of this role are defined by legislation, the Council's Constitution and Schemes of Delegation. Further details can be found on the council's website or from the Monitoring Officer.

The Chief Finance Officer reports directly to the Chief Executive.

- 3.1.4** The recruitment campaign for a permanent Director of Finance started in September 2019, concluding with an Appointments Committee meeting on 27<sup>th</sup> November 2019. The Committee unanimously recommended to the Chief Executive the appointment of Jason Vaughan as the Director of Finance (from 1 March 2020 to replace the current Interim Director of Finance).

Following that decision, it is now recommended that the County Council appoints and empowers Jason Vaughan with the statutory functions of the Chief Finance Officer (S151 officer) role on behalf of the Council with effect from 1 March 2020.

## **3.2 Appointment of Director of Adult Social Services**

- 3.2.1 The Council appointed and empowered Mel Lock to the statutory role of Director of Adult Social Services (DASS) whilst she was undertaking the role of Acting Director of Adult & Health from July 2019.
- 3.2.2 The Director of Adults' & Health post is a key part of the Senior Leadership team and instrumental in helping to create a financially sustainable council and the Improving Lives programme. The post includes the functions that are required of the statutory chief officer post for Adult Social Services pursuant to the Local Authority Social Services Act 1970.
- 3.2.3 The DASS has responsibilities for professional leadership and operational delivery of adult social services, including for people when they are most disadvantaged and vulnerable, and their families and carers. This will be undertaken within the local care and health (and the wider council, criminal justice and community and economic) system. As such, this post should be at first tier officer level.

The following legislation shapes the role of the DASS:

- The Care Act 2014
- The Mental Capacity Act (2005) and Deprivation of Liberty Safeguards
- The Mental Health Act 2007
- The Human Rights Act 1998

- The Domestic Violence, Crime and Victims Act 2004 and subsequent legislation relating to Domestic Violence Protection Notices and Orders, the criminal offence of Coercive and Controlling Behaviour, Modern Slavery and Forced Marriages.

Statutory guidance advises that the DASS post should report directly to the Chief Executive and be comparable in seniority to the Director of Children's Services.

- 3.2.3 The recruitment process to appoint a permanent DASS was undertaken throughout September and October, leading to an Appointments Committee meeting on 14 November 2019. The Appointments Committee unanimously agreed to recommend to the Chief Executive the proposed appointment of Mel Lock as the Director of Adults & Health.
- 3.2.4 The Chief Executive took a decision on 20 November 2019 to appoint Mel Lock to the role of Director of Adults & Health. Following that decision, it is now recommended that the County Council appoints and empowers Mel Lock with the statutory functions of the Director of Adult Social Services role on behalf of the Council.

The statutory powers and functions of this role are defined by legislation, the Council's Constitution and Schemes of Delegation. Further details can be found on the council's website or from the Monitoring Officer.

### **3.3 Appointment of Monitoring Officer**

- 3.3.1 In February 2018, the Council appointed Scott Wooldridge to the statutory role of the Monitoring Officer whilst he was undertaking the interim role of Strategic Manager-Governance until March 2020.

The Monitoring Officer may deputise his duties to another officer, it may not however be the head of paid service or the S151 officer as neither of these are allowed to hold the monitoring officer role.

- 3.3.2 The main functions of the Monitoring Officer are:
- To report to the Council and to the Cabinet in any case where they are of the opinion that any proposal or decision of the Council has given rise to or is likely to or would give rise to any illegality, maladministration or breach of statutory code under Sections 5 and 5A of the Local Government and Housing Act 1989 (LGHA 89);
  - To investigate any matter which the Monitoring Officer has reason to believe may constitute, or where they have an allegation that a matter may constitute, a reportable incident under Sections 5 and 5A of the LGHA 89;
  - To act as the principal adviser to the Council's Constitution & Standards Committee;
  - To maintain the register of Members' interests;
  - To maintain the register of Officers' interests;
  - To undertake, with others, investigations in accordance with the Council's Whistleblowing procedures;

In general terms, the Monitoring Officer's ability to discharge these duties and responsibilities will depend, to a large extent, on Members and Officers: -

- Complying with the law (including any relevant Codes of Conduct);
- Complying with any General Guidance issued, from time to time, by the Constitution & Standards Committee and/or the Monitoring Officer;
- Making lawful and proportionate decisions;
- Complying with the Council's Constitution and standing orders
- Generally, not taking action that would bring the Council, their offices or professions into disrepute; and
- Communicating effectively with the Monitoring Officer and seeking advice on any issues relating to constitutional or ethical matters

3.3.2 The recruitment process to appoint a permanent Strategic Manager-Governance & Democratic Services was undertaken during August and September 2019, leading to an Appointments Committee meeting on 25 September 2019. The Appointments Committee unanimously agreed to recommend to the Chief Executive the proposed appointment of Scott Wooldridge as the Strategic Manager-Governance & Democratic Services.

3.3.4 The Chief Executive took a decision on 27 September 2019 to appoint Scott Wooldridge to the role of Strategic Manager-Governance & Democratic Services. Following that decision, it is now recommended that the County Council appoints and empowers Scott Wooldridge with the statutory functions of the Monitoring Officer role on behalf of the Council.

## 4. Implications

**4.1 Legal & Risk:** This report complies with all legal requirements. The only risk to the Council would result from the Council failing to fulfil its legal obligations as set out in the report through any decisions taken or not taken at this meeting.

**4.2** All of the proposed appointments are in accordance with legal requirements and the Council's Constitution.

**4.2 Financial, equalities, sustainability and community safety implications:** There are no direct equalities implications arising from any of the proposals in this report. There are also no direct financial, sustainability or community safety implications.

## 5. Background papers

**5.1** Councils Constitution dated May 2019  
Appointments Committee papers and minutes September 2019 and November 2019 published on the council's website