

Appointment of S151 Officer, and Appointment of Interim Monitoring Officer

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Purpose of the Report

The purpose of this report is to seek approval for the appointment of two of the Council's key statutory roles; the Council's Section 151 Officer, and the Monitoring Officer

Public Interest

There is a legal requirement on the Council to designate three "Statutory Officers". These are the Head of Paid Service (Chief Executive), the Monitoring Officer and the Section 151 Officer. The Section 151 Officer has a number of statutory duties and responsibilities relating to the council's financial strategy and the arrangements for effective governance. Similarly, The Monitoring Officer has a number of statutory duties and responsibilities relating to the council's constitution and the arrangements for effective governance. All of these duties are contained in Article 12 of the council's constitution.

Recommendations

1. That Council:
 - a. Notes that the current Section 151 arrangement with Somerset West & Taunton Council will come to an end at the end of December 2019, and the current S151 Officer, Paul Fitzgerald, will no longer be acting in this role on behalf of South Somerset District Council.
 - b. Endorses the decision of the Appointments Committee to appoint Joanne Nacey as the new permanent S151 Officer.
 - c. Endorses the appointment of Nicola Hix into the role as Interim S151 Officer effective immediately, to cover the period between the current S151 Officer leaving, and the new permanent employee starting their role.
 - d. Endorses the appointment of Richard Ward as Interim Monitoring Officer effective immediately, whilst another recruitment process is undertaken to appoint a permanent member of staff into this role.

Background – S151 Officer

2. The Local Government Act 1972 requires every local authority to appoint a suitably qualified officer responsible for the proper administration of its financial affairs. This role is commonly referred to as the Section 151 officer. The term S151 Officer has been used as a short hand expression to refer to the role and duties of the 'Responsible Financial Officer' as defined by The Chartered Institute of Public Finance and Accountancy (CIPFA) (the function of the most senior finance officer employed by an organisation).
3. Section 113 of the Local Government Finance Act 1988 requires that the officer appointed as the Chief Finance Officer (CFO) must be a member of a specified accountancy body.
4. The role of a CFO lies at the heart of any effective and well governed organisation. The over-riding duty of this officer is to fulfil the statutory responsibilities attached to the position in a manner that

enhances the overall reputation of the Council. There are responsibilities which solely rest with a CFO.

Background – Monitoring Officer

5. The Monitoring Officer's legal basis is found in Section 5 of the Local Government and Housing Act 1989, as amended by Schedule 5 paragraph 24 of the Local Government Act 2000.
6. The Monitoring Officer has a number of statutory duties and responsibilities relating to the council's constitution and the arrangements for effective governance. These duties are contained in Article 12 of the council's constitution and include:
 - To report on matters he/she believes are, or are likely to be, illegal or amount to maladministration.
 - To be responsible for matters relating to the conduct of councillors and officers.
 - To be responsible for the operation of the council's constitution.
7. Neither the Head of Paid Service (Chief Executive) nor the S151 Officer may fulfil the role of Monitoring Officer. Although many councils appoint their most senior legal officer as their Monitoring Officer this is not a specific requirement. Whoever is appointed must though ensure that the council receives correct and appropriate advice on the lawfulness of its decision making.

Report Detail

S151 Officer

8. The post was first advertised in September 2019, following the notification from Somerset West & Taunton Council that the current arrangement would need to come to an end at the end of 2019. Unfortunately the quality of applications was not sufficient at this time to complete the recruitment process and therefore the Members of the Appointments Committee instructed Officers to re-advertise the position. A second advert went out in October. Following shortlisting by members of the Appointments Committee (Cllrs Keitch, Seib and Stanton) 5 candidates were invited to attend an assessment day and interview.
9. 4 candidates actually attended for interview and assessment on Friday 6th December. The process involved:
 - a. A technical interview, with 2 qualified accountants
 - b. An interview on preferred leadership styles and approaches, in accordance with our Attitudes & Approaches Framework,
 - c. A blind topic, assessing preferred styles and ways of working, again in accordance with our Attitudes & Approaches Framework.
 - d. Finally, a full interview with the Appointments Committee (Cllrs Val Keitch, Peter Seib, Mike Stanton) advised by the Chief Executive.
10. All candidates were then invited to meet with colleagues from the finance team.
11. Having considered the results of all assessments, the Appointments Committee made their recommendation that Joanne Nacey, currently Deputy S151 Officer and Group Manager for Financial Services of Mid Devon Council, be appointed as the new permanent S151 Officer for South Somerset District Council.
12. Joanne Nacey is required to give 3 months' notice by her current employer, and therefore will not be able to join South Somerset District Council until mid-March 2020. Therefore, it is the desire of

the Appointments Committee to appoint our existing Deputy S151 Officer, Nicola Hix, into the role of Interim S151 Officer to cover the period until Joanne Nacey starts in role.

Monitoring Officer

13. At the same time as advertising the S151 Officer role, we advertised for a new Monitoring Officer/ Lead Specialist for Legal. This advert first went out in September, but unfortunately there was insufficient response to be able to complete the recruitment process. In order to ensure the most suitable candidates were considered for the role the Appointment Committee decided to re-advertise the role, in October, and subsequently shortlisted 4 applicants.
14. Interviews and assessment took place on 28th November, and 2 candidates were assessed and interviewed. Following this process the Appointments Committee (Cllrs Val Keitch, Peter Seib and Mike Stanton) advised by the Chief Executive made the decision not to appoint either candidate to the role. The decision has been made to go back out to recruitment again in early 2020.
15. There is a legal requirement on all local authorities, as laid out above, to appoint a Monitoring Officer. Given our current Monitoring Officer, Angela Watson, leaves the Council on Friday 20th December, it is recommended to appoint Richard Ward as interim Monitoring Officer until a permanent candidate is found following the next recruitment process.

Financial Implications

16. The financial implications associated with agreeing all the recommendations can be covered from within the existing revenue budget for 2019/20. The increase in budget of £25,689 required for the additional hours of the S151 Officer in 2020/21 will be added to the medium term financial plan for 2020/21 and future years.

Council Plan Implications

17. It is a statutory responsibility to have both a S151 Officer and Monitoring Officer in place, in order to ensure we deliver our roles and functions as a local authority effectively.

Carbon Emissions and Climate Change Implications

18. None associated with this report

Equality and Diversity Implications

19. None associated with this report

Privacy Impact Assessment

20. None associated with this report
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