

# Officer Non Key Decision Report

Decision Date - 04/05/23



## NON-KEY DECISION TAKEN BY THE CHIEF EXECUTIVE

**Author Contact Details:** Scott Wooldridge, Monitoring Officer

### Details of the decision:

The Chief Executive :

- i) agreed the revised Part I3 – List of Statutory and Proper Officers of the Council, as set out in Appendix 1.
- ii) requested that the Monitoring Officer update the Council's Constitution with the revised Part I3

### Reasons for the decision:

The Council agreed the Constitution at its meeting on 22 February 2023 which included Part I3 Statutory and Proper Officers. The Council delegated authority to the Chief Executive to appoint all Statutory and Proper Officers of the Council with the exception of any Statutory Chief Officers e.g. Section 151 Officer, Monitoring Officer, etc.

### Background to the decision:

The Council's Constitution sets out the current list of Proper Officers in Part I3. Following appointments to Executive Director and Service Director roles and clarification from the UK Health Security Agency, the Monitoring Officer has undertaken a review of Part I3 and a revised list of Statutory and Proper Officers is set out in Appendix 1. The revised Part I3 also identifies Deputy Proper Officers in order to provide resilience and where the Proper Officer is unable to act due to illness or being on leave.

Various sections of the Local Government Act 1972 and other statutes refer to the "proper officer of a local authority". The Council must appoint an appropriate officer to act as the Proper Officer for each of these Sections.

Section 112 of the Local Government Act 1972 provides that a Local Authority shall appoint the officers necessary for the proper discharge of its functions. The Council has authorised appropriate officers to carry out these functions.

The revised Part I3 aims to ensure business continuity, support good governance and ensure clarity of accountability and responsibilities for functions.

### Background papers:

Constitution – 22 February 2023

Report of Constitution & Governance Committee to Council meeting on 22 February 2023

**Compliance section:**

Members consulted; members informed: Yes
Officer consultations completed: Yes
Senior (including statutory) officer sign off completed: Yes
Public / other consultations undertaken: Not considered necessary
Do you have sufficient budget or additional funding available and approval to commit this budget or funding and has this been confirmed with the appropriate Finance Service or Service Manager? Yes
Are there any legal considerations to be made? Yes
Has Legal Services been consulted (specific requirement for changes in service delivery, procurement, contracts or property matters? Yes
Are there any TUPE implications arising? No
Has HR/Workforce been consulted? Yes
Is the decision likely to lead to a procurement exercise or contract award / change ? No
Has the Commercial and Procurement Team been consulted? Not considered necessary
Service Finance Lead Officer / Manager consulted for commissioning ? No
Are there any risks arising? No
Have mitigating actions already been taken? Yes
Have all Due Regard (equalities) implications been considered? No

<b>Member consultation completed:</b>	<b>Name(s)</b>	<b>Date</b>
Relevant Local Councillors consulted where decision directly affects their Division	N/A	
Relevant Executive Member(s) consulted	Cllr Bill Revans, Leader of the Council	2/5/23
Opposition Spokesperson informed	Cllr David Fothergill, Opposition Group Leader	2/5/23
Chair of relevant Scrutiny informed	Cllr Bob Filmer for Scrutiny Corporate & Resources	2/5/23

**Decision Maker**

**I am aware of the details of this decision, have considered the reasons, options, representations and consultation responses (where applicable) and give my approval / agreement to its implementation.**

**Signed by : Duncan Sharkey**

**Name: Duncan Sharkey**

**Post: Chief Executive**

**Date: 4 May 2023**