

Date of meeting:	19 June 2023
Title of Report:	<b>Designation of Statutory Chief Officers</b>
Lead Strategic Director:	Tracey Lee (Chief Executive)
Author:	Ross Jago, Head of Governance Performance and Risk
Contact Email:	Ross.jago@plymouth.gov.uk
Your Reference:	<a href="#">Click here to enter text.</a>
Key Decision:	No
Confidentiality:	Part I - Official

### **Purpose of Report**

This report provides an update on the interim arrangements for the post of Head of Legal Services; seeks a recommendation for the designation of the Monitoring Officer and the extension of the interim arrangements for the Section 151 (Service Director for Finance).

### **Monitoring Officer**

Following the resignation of the current post holder, there is a need to establish interim arrangements at the council meeting in June to comply with the legal requirement to have a designated Monitoring Officer in place.

Alison Critchfield (Senior Lawyer, Commercial Projects) has agreed to undertake the role of Acting Head of Legal Services to temporarily cover the post in line with the City Council's Acting Up / Additional Duties Policy.

### **Section 151 Officer**

Council will note David Northey was confirmed as the Council's interim s151 Officer and Service Director for Finance at the meeting of the 30 September 2022, with effect from 3 October 2022.

The interim contract arrangements are due to end on the 30 September 2023, however this will not allow sufficient time to recruit to the newly established Director of Resources and, without being extended, would leave the Council without a s151 Officer. It is a legal requirement that the Council have an appointed s151 Officer.

On this basis approval from Council is sought to extend the interim appointment of David Northey from the 30 September 2023 until the 31 March 2024.

### **Legal and governance considerations**

Section 5(1)(a) of the Local Government & Housing Act 1989 and Section 151 of the Local Government Act 1972 requires that officers are appointed to administer the financial and legal affairs of the Council.

This power may only be exercised by the Full Council as a matter of law and 10.2.2 of the City Council's constitution.

### Recommendations and Reasons

It is recommended that Council approves:

1. the designation of the Acting Head of Legal Services as the Monitoring Officer in accordance with section 5 of the Local Government and Housing Act 1989 from the last day of service of the current post holder. This will be until a permanent Head of Legal Services is recruited.
2. Approves the extension of the appointment of David Northey as the Interim Service Director for Finance (s151 Officer) from 30 September 2023 to 31 March 2024.

### Alternative options considered and rejected

The Monitoring Officer and Section 151 Officer are statutory chief officer roles and it is therefore it is a legal requirement to designate officers to undertake the roles.

### Relevance to the Corporate Plan and/or the Plymouth Plan

The Corporate Plan outlines the strategic direction of the Council and recommendations within this report align to this.

### Implications for the Medium Term Financial Plan and Resource Implications:

Chief Officer roles are permanent positions with established budget contained within the Medium Term Financial Plan, and costs arising from this report can be contained within budget.

### Financial Risks

None as a direct result of this report.

### Carbon Footprint (Environmental) Implications:

None as a direct result of this report.

### Other Implications: e.g. Health and Safety, Risk Management, Child Poverty:

The Monitoring Officer) holds statutory responsibility and is key to delivering priorities in relation to service delivery and ensuring the Council's statutory duties, responsibilities and accountabilities are discharged. Any recruitment and selection processes will be undertaken with reference to the Council's established procedures and relevant legislation.

### Appendices

Ref.	Title of Appendix	Exemption Paragraph Number (if applicable)						
		<i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
		1	2	3	4	5	6	7

### Background papers:

Title of any background paper(s)	Exemption Paragraph Number (if applicable)
----------------------------------	--

	<i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>

**Sign off:**

Fin	CH 07.06. 2023 0840	Leg	Click here to enter text.	Mon Off	EJ/11 94/6. 6.23	HR		Assets	Click here to enter text.	Strat Proc	Click here to enter text.
Originating Senior Leadership Team member: Giles Perritt											
Date agreed: <b>08/06/2023</b>											
Please confirm the Strategic Director(s) has agreed the report											