

Date of meeting:	29 January 2024
Title of Report:	<b>Appointment of Statutory Officers (Monitoring Officer and s151 Officer)</b>
Lead Strategic Director:	Tracey Lee (Chief Executive)
Author:	Annie Walker
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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 permanent appointment of the 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 Officer (Service Director for Finance).

### **Monitoring Officer**

Council will note that following a recruitment process for a permanent appointee to the role of Head of Legal Services, the Chief Officer Appointments Panel agreed, on 7 November 2023, to appoint Elizabeth Bryant. Ms Bryant is due to start in post as Head of Legal Services on Monday 4 March 2024.

It is a legal requirement that the Council have an appointed Monitoring Officer. On this basis approval from Council is sought to designate the permanent Head of Legal Services as Monitoring Officer with effect from their commencement of employment with the Council.

Alison Critchfield (Senior Lawyer, Commercial Projects) who has been undertaking the temporary role of Acting Head of Legal Services will continue to act as Monitoring Officer until that date.

### **Section 151 Officer**

Council will note David Northey was confirmed as the Council's interim Section 151 Officer and Service Director for Finance at the meeting of 30 September 2022, with effect from 3 October 2022. The interim contract arrangements were initially due to end on the 30 September 2023, but following two unsuccessful attempts to permanently recruit to the role of Director of Resources, has subsequently been extended to 31 March 2025.

It is a legal requirement that the Council have an appointed s151 Officer. On this basis approval from Council is sought to extend the designation of s151 Officer to David Northey until the 31 March 2025.

## **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 Elizabeth Bryant, Head of Legal Services as the Monitoring Officer in accordance with section 5 of the Local Government and Housing Act 1989 from the first day of service with the Council.
2. Approves the extension of the designation of David Northey as the Service Director for Finance (Section 151 Officer) to 31 March 2025.

## **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 the recommendations of 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**

\*Add rows as required to box below

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>						
	1	2	3	4	5	6	7

**Sign off:**

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13. Originating Senior Leadership Team member: Tracey Lee											
Please confirm the Strategic Director(s) has agreed the report? Yes											
Date agreed: 17/01/2024											