



NORWICH City Council

Committee Name: COUNCIL

Committee Date: 16/07/2024

Report Title: Appointment of statutory chief officers

Portfolio: Councillor Kendrick, Cabinet member for resources

Report from: Chief executive

Wards: All Wards

OPEN PUBLIC ITEM

Purpose

To consider the appointments of:

- interim chief finance officer and section 151 officer.
- monitoring officer
- interim monitoring officer

The chief finance and section 151 officer and the monitoring officer are two of the three statutory roles that the Council must have in place.

Recommendation:

It is recommended that the Council:

- 1) Appoint Alistair Rush as interim director of finance and section 151 officer from 17 July 2024.
- 2) Appoint Janice Robinson as head of legal and governance and monitoring officer from 30 September 2024.
- 3) Appoint Emily Yule as monitoring officer from 3 September to 29 September 2024

Policy Framework

The Council has five corporate priorities, which are:

- An open and modern council
- A prosperous Norwich
- A fairer Norwich
- A climate responsive Norwich
- A future proof Norwich.

This report meets the Norwich City Council is an open and modern council corporate priority.

Report Details

1. Appendix 9a, Paragraph 1 of the constitution states that full Council appoints proper officers. The roles of chief finance and s151 officer and monitoring officer are proper officers and appointments to these roles requires the approval of full Council.

Appointment of interim chief finance and s151 officer

2. Section 151 of the Local Government Act 1972 requires that every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs. This officer in the case of Norwich City Council is the director of finance.
3. Section 113 of the Local Government Finance Act 1988 requires that the officer appointed as Section 151 officer must be a member of one of the following bodies to qualify as a responsible officer:
 - (a) the Institute of Chartered Accountants in England and Wales;
 - (b) the Institute of Chartered Accountants of Scotland;
 - (c) the Chartered Association of Certified Accountants;
 - (d) the Chartered Institute of Public Finance and Accountancy;
 - (e) the Institute of Chartered Accountants in Ireland;
 - (f) the Chartered Institute of Management Accountants; and
 - (g) any other body of accountants established in the United Kingdom and for the time being approved by the Secretary of State for the purposes of this section.
4. The chief finance officer and s151 officer has been provided by an interim resource since the permanent post holder left.
5. The role of director of finance, which incorporates the roles of chief finance officer and s151 officer has been the subject of a national recruitment campaign twice in the last eight months. The most recent campaign ran from April to June 2024 and whilst this yielded a reasonable number of applications, the appointments panel was not able to make an appointment from the shortlisted candidates. It should be noted that Norwich is not unique in finding this role difficult to appoint to on a permanent basis. There is a national recognition of the significant challenges facing the sector in recruiting and retaining statutory officers with an increasing reliance on the interim market.
6. An interim resource is therefore required to fulfil the role until such time as a permanent appointment can be made. This report seeks authority to appoint Alistair Rush as interim director of finance and s151 officer with effect from 17 July 2024.
7. Alistair Rush is a qualified and fellow member of the Chartered Institute of Public Finance and Accountancy (CIPFA). He has substantial experience in director level and senior finance roles in local government; including county councils and a unitary council, where he previously held deputy S151 positions.
8. Alistair has held the position of interim deputy S151 for Norwich City Council since 20 November 2023.

Appointment of monitoring officer

9. Section 5 of the Local Government and Housing Act 1989 requires the Council to designate one of its officers as its monitoring officer, to discharge statutory responsibilities relating to the Council's Constitution and arrangements for effective governance.
10. The main functions of the monitoring officer are set out below:
 - a) Ensuring that the Council acts within the law. They have a duty to report on matters they believe to be illegal or amount to maladministration or breach of statutory code under section 5 and 5A of the Local Government and Housing Act 1989, as amended by Schedule 5 paragraph 24 of the Local Government Act 2000.
 - b) Responsible for matters relating to the conduct of elected members and officers. Promoting and maintaining high standards of conduct by Council members and investigate any complaints in regard to the code of conduct and in accordance with the Council's standards provisions.
 - c) Responsible for the operation and regular review of the Council's Constitution and arrangements to support the Council's functions and activities.
 - d) Investigate any matter which they have reason to believe may constitute a reportable incident under Section 5 and 5A of the Local Government and Housing Act 1989.
 - e) Establishing and maintaining a register of interests for elected members
 - f) Implementation of the Council's policies which support whistleblowing, including conducting investigations.
11. The role of monitoring officer has been carried out by an interim resource following the resignation of the permanent post holder.
12. The Officer Employment Procedures state that full Council shall approve the appointment of the monitoring officer following a recommendation by the appointments panel. Accordingly an appointments panel was established comprising of Councillors Stonard, Kendrick, Galvin, Lubbock and Davis, to undertake final interviews and recommend an appointee to the Council. The Chief Executive and the executive director of resources were also members of the final panel.
13. The appointments panel are recommending that Janice Robinson is appointed to the statutory role of monitoring officer. Janice is currently corporate manager for governance and civic office and monitoring officer at Babergh and Mid Suffolk Councils.
14. As part of the transition arrangements and pending the commencement of the permanent post holder, it is proposed that Emily Yule, executive director of resources is designated as the Council's monitoring officer. Emily has management responsibility for the head of legal and governance and monitoring officer role and has substantial previous experience of carrying out the functions of the monitoring officer.

Consultation

15. The proposals within this report have been subject to consultation with the political group leaders and no objections have been received.

Implications

Financial and Resources

16. Any decision to reduce or increase resources or alternatively, increase income must be made within the context of the Council's stated priorities, as set out in its community-led plan 2024-29 and budget.

17. The appointment to the role of monitoring officer is within existing resources.

18. The gross estimated additional cost for the s151 appointment from 17 July 2024 to 31 March 2025 is £60,000. The additional cost pressure on the salary budget for 2024/25 when taking into account all costs is estimated to be £90,000. These additional costs can be met from the general fund contingency allocation. As with all corporate services, a proportion of the costs will be recharged to the housing revenue account at the year-end.

Legal

19. The Council has statutory obligations within an existing legal framework for the appointment of Council officers to a number of specified posts. The recommendations will support the Council in securing compliance with those statutory duties and the effective management of the Council's functions.

20. Section 151 of the Local Government Act 1972 requires local authorities to make arrangements for the proper administration of their financial affairs and appoint a Chief Finance Officer, known as the S151 officer, to have responsibility for those arrangements.

21. 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.

22. Section 5 of the Local Government and Housing Act 1989 required local authorities to appoint one of its officers as monitoring officer.

Statutory Considerations

Consideration	Details of any implications and proposed measures to address:
Equality and diversity	n/a
Health, social and economic impact	n/a
Crime and disorder	n/a
Children and adults safeguarding	n/a

Consideration	Details of any implications and proposed measures to address:
Environmental impact	n/a

Risk Management

Risk	Consequence	Controls required
Appointment of statutory officers is not agreed.	Norwich City Council will not be compliant with the statutory requirement to have a suitably qualified s151 officer and monitoring officer.	Appoint a suitably qualified CFO/s151 officer. Appoint a Monitoring Officer

Other Options Considered

23. No other options have been considered. The proposed appointees are suitably experienced, skilled and qualified and will provide the necessary resource to fulfil the Council's statutory requirements.

Reason for the Decision and Recommendation


24. It is a statutory requirement for the Council to have a chief finance officer and s151 officer and monitoring officer.

Background papers: None

Appendices:

Contact Officer: Dawn Bradshaw, Head of HR and organisational development.

Email address: dawnbradshaw@norwich.gov.uk

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