

REPORT TITLE: APPOINTMENT OF STATUTORY OFFICERS

18 JANUARY 2023

REPORT OF CHIEF EXECUTIVE: LAURA TAYLOR

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WARD(S): ALL

PURPOSE

Due to staffing changes in the senior team it is necessary for the Council to appoint Statutory Officers for the council.

RECOMMENDATIONS:

1. That Elizabeth Keys be appointed Section 151 Officer for the Council with immediate effect.
2. That Sharon Evans be appointed as the Council's Monitoring Officer with immediate effect.

1 SUPPORTING INFORMATION:

Appointment of the Councils Section 151 Officer

- 1.1 Richard Botham, Strategic Director: Services retired from the council on 30 November 2022. As a qualified member of CIPFA, he was also appointed as the council's Section 151 Officer, also known as the Chief Financial Officer.
- 1.2 The Chief Executive appointed Elizabeth Keys as the Council's Section 151 Officer (interim) under the powers in Part 3.4, para 5, 3, d with effect from 1 December 2022.
- 1.3 The Section 151 Officer is a statutory appointment and has specific responsibilities to ensure good financial management and governance within the authority as set out in Article 12 of the Constitution. The Council's Constitution further sets out that the Section 151 Officer has authority to;
- Undertake administration for the councils financial affairs for the purposes of s151 of the Local Government Act 1972 and who is obliged to report under s114 Local Government Finance Act 1988 on unlawful expenditure, unlawful action likely to cause loss of deficiency or an unlawful entry into the councils accounts
 - Manage the collection fund
 - Administer the councils treasury management function, write off debts in line with the council's financial procedures
 - Maintain an adequate and effective system of internal audit
 - Maintain and develop the councils risk management policy
- (Winchester City Council constitution part 3.4)
- 1.4. Elizabeth Keys is a suitably qualified accountant with membership of CIPFA and has an appropriate breath of financial experience to undertake the role. She has been acting in the role of Deputy Section 151 for three years.
- 1.5. The recommendation is that Council appoint **Elizabeth Keys** as the Councils Section 151 officer.

Appointment of the Council's Monitoring Officer

- 1.6. Lisa Kirkman is the Council's Monitoring Officer but is due to leave the Council at the end of January 2023.

- 1.7. The Monitoring Officer is a statutory appointment and has specific responsibilities amongst other matters to ensure lawfulness and fairness of decision making, conducting investigations under the Code of Conduct and provide advice as to whether Cabinet decision are within the policy and budget framework as set out in Article 12 of the Constitution. The Council's Constitution further sets out that the Monitoring Officer is authorised to
- Maintain an up to date version of the Constitution and ensure that it is widely available.
 - Maintain a Register of Interests of Councillors and co-opted Members of the Council and ensure that this is available for instruction.
 - After consultation with the Head of Paid Service and Section 151 Officer, report to Full Council or the Cabinet in relation to an executive function if they consider that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given, or may give, rise to maladministration.
 - Provide advice on the scope of powers and the authority to take decisions with the assistance of the Service Lead - Legal.
 - Ensure that executive decisions, with the relevant background papers and reasons are made publicly available as soon as possible.
 - Contribute to the promotion of high standards of conduct through the provision of support to the Audit and Governance Committee and Councillors generally.
 - To have responsibility for the management of the complaints procedure relating to Councillors and the duties thereunder to be undertaken by the Monitoring Officer.
 - Agree a local resolution, if possible, to any maladministration complaints in consultation with the Chief Executive.

(Winchester City Council constitution part 3.4)

- 1.8. Sharon Evans has been appointed as one of the Council's Strategic Directors, is a qualified solicitor, and has an appropriate breadth of experience to take on this role. Sharon was Monitoring Officer at her previous authority for over four years and Deputy Monitoring Officer before that at another authority for three years.
- 1.9. The recommendation is that **Sharon Evans** is appointed as the Council's Monitoring Officer with immediate effect.

Appointment of Deputy Statutory Officers

- 1.10. The Section 151 Officer and Monitoring Officer routinely appoint deputy officers and those officers must also be suitably qualified and experienced. This provides the Council with resilience in respect of these statutory roles

2 OTHER OPTIONS CONSIDERED AND REJECTED

- 2.1 There are no other options to consider as these are statutory posts. Consideration could be given to an external appointments but this was discounted as the council has suitably qualified staff who can take on these roles.