



SHEFFIELD CITY COUNCIL Report to Council

Report of: Chief Executive

Date: 7th March 2014

Subject: **Designation of Monitoring Officer and Section 151 Officer**

Author of Report: Julie Toner, Director of Human Resources

Summary:

This report outlines the role of the Monitoring Officer, and Section 151 officer and recommends interim arrangements to designate the Interim Executive Director of Resources as Section 151 Officer and the Interim Director of Legal and Governance as Monitoring Officer. .

Recommendations:

Council is invited to:

1. Note the role of the Monitoring Officer and Section 151 Officer.
2. Resolve to designate the Interim Director of Legal and Governance as Monitoring Officer from 1st April 2014.
3. Confirm the appointment of the Interim Executive Director of Resources as Section 151 Officer from 17th February 2014 until the return to the post of the substantive post holder.

Background Papers:

No documents which require listing were used in the preparation of this report.

Category of Report: OPEN

Statutory and Council Policy Checklist

Financial Implications
YES/NO Cleared by:
Legal Implications
YES/NO Cleared by: Lynne Bird
Equality of Opportunity Implications
YES/NO Cleared by:
Tackling Health Inequalities Implications
YES/NO
Human Rights Implications
YES/NO
Environmental and Sustainability implications
YES/NO
Economic Impact
YES/NO
Community Safety Implications
YES/NO
Human Resources Implications
YES/NO
Property Implications
YES/NO
Area(s) Affected
Relevant Cabinet Portfolio Lead
Relevant Scrutiny Committee: N/A
Is the item a matter which is reserved for approval by the City Council?
YES/NO
Press Release
YES/NO

Report of the Chief Executive

Report to Council - 7th March 2014

Designation of Monitoring Officer and Section 151 officer

1.0 Introduction

- 1.1. In accordance with the Local Government Act 1972 and subsequent legislation, there is a statutory requirement on the Authority to designate three statutory officers: Head of Paid Service, Monitoring Officer and Section 151 Officer/Chief Finance Officer.
- 1.2. The latter is required to be a suitably qualified individual. The Section 151 Officer, along with the Head of Paid Service and the Monitoring Officer combine to form the Council's Statutory Officer functions. These roles are key to ensuring lawfulness, fairness, probity and general good governance that support the Council in achieving its aims.
- 1.3. It is important that they work effectively together yet maintain appropriate independence and that the roles are undertaken by adequately skilled and experienced staff supported by appropriate resources. The Monitoring Officer is currently the Director of Legal and Governance who leaves the Authority on March 31st. This means that the Council has to decide which officer should now act as Monitoring Officer.
- 1.4. In addition the current Section 151 Officer, Laraine Manley has on an interim basis moved role to be Executive Director of Communities and therefore the Council needs to confirm the transfer of Section 151 Officer duties to her replacement Eugene Walker the Interim Executive Director of Resources.

2.0 Detail

- 2.1 The Monitoring Officer has an important role to play within the Council. Initially the duties of the post were confined to reporting actual or potential illegality and / or maladministration to full Council. The Monitoring Officer role was enhanced by the Local Government Act 2000. The Act introduced a provision which applies to Councils operating executive arrangements (like Sheffield) for the Monitoring Officer to report to the Executive (Cabinet) rather than Council where the decision or action relates to an executive function.
- 2.2 The Monitoring Officer role now also includes:
 - Supporting the voluntary Standards regime
 - Contributing to the promotion and maintenance of high standards of conduct within the Council;
 - Maintaining and updating the Constitution;
 - Advising on vires issues, maladministration and impropriety;
 - Attending all meetings of the Cabinet whether public or private;
 - Maintaining systems and processes for ensuring that allegations of breaches of the Code of Conduct for Members are dealt with in accordance with the voluntary framework;

- Establishing and maintaining registers of members interests, gifts and hospitality;
 - Playing an important role in the relationship between Parish Councillors and the Standards Committee;
 - Acting as a point of contact for advice and / or queries by elected members;
- 2.3 Legality and high standards of conduct are crucial to the Council's performance and reputation and thus the role of Monitoring Officer is very important to the Authority. It is vital that the Monitoring Officer enjoys the appropriate status within the Authority and has access to decision making processes at both Member and officer level.
- 2.4 For this reason, I am recommending to Council that the Interim Director of Legal and Governance, Gillian Duckworth, is designated as Monitoring Officer with effect from 1st April 2014.
- 2.5 The Monitoring Officer has a duty to appoint one or more officers as Deputy Monitoring Officer to act when s/he is absent on leave. This is his / her duty personally and cannot be exercised by the Council. I understand that it is the intention of the Interim Director of Legal and Governance to appoint the Assistant Director of Legal Services as Deputy Monitoring Officer.
- 2.6 The appointment of a Section 151 Officer is a statutory requirement under Section 151 of the Local Government Act 1972. The Local Government and Housing Act 1989 requires that the post holder is a member of one of the CCAB accountancy bodies.
- 2.7 The Council's Constitution sets out the main duties of the Section 151 Officer as:-
- Ensuring lawfulness and financial prudence of decision making;
 - Administration of financial affairs;
 - Contribution to corporate management;
 - Providing advice;
 - Providing financial information.
- He/she should have a close working relationship with the other two statutory officers - the Head of Paid Service and the Monitoring Officer
- 2.8 The Constitution designates the Executive Director of Resources as the Section 151 Officer; the person who has been carrying out this role has transferred on an interim basis to be Executive Director of Communities as from 17th February until 31st December 2014. The Council's Deputy S151 officer role was undertaken by the Director of Finance who is now Interim Executive Director of Resources. Where there is an unplanned break in continuity, the Council must as quickly as possible take all appropriate steps to designate an alternative individual and interim arrangements were made in accordance with urgency provisions for Eugene Walker to be designated as Section 151 Officer from 17th February.
- 2.9 It is recommended that Council formally confirm the designation of Eugene Walker as Section 151 Officer. Mr Walker holds the necessary professional qualifications to undertake the role.

3. Financial Implications

- 3.1 There are no financial implications arising from the recommendations in this report.

4. Legal Implications

- 4.1 The Authority has a duty under Section 5 of the Local Government and Housing Act 1989 to designate one of its officers as Monitoring Officer and to provide that officer with staff, accommodation and other resources as s/he considers sufficient to allow those duties to be performed.
- 4.2 The Monitoring Officer is one of three important statutory roles. The other two are the Head of the Paid Service (the Chief Executive) and the Chief Finance Officer (in Sheffield, the Executive Director of Resources). See also paragraph 2.6.

5. Human Resources Implications

- 5.1 These will be managed by application of the Council's appropriate policy and procedure.

6. Equality of Opportunities Implications

- 6.1 There are no equality of opportunities implications arising directly from this report.

7. Recommendations

- 7.1 Council is invited to
- 1) Note the role of the Monitoring Officer and Section 151 Officer.
 - 2) Resolve to designate the Interim Director of Legal and Governance as Monitoring Officer from 1st April 2014.
 - 3) Confirm the appointment of the Interim Executive Director of Resources as Section 151 Officer from 17th February 2014 until the return to the post of the substantive post holder.

Julie Toner
Director of Human Resources
March 2014

This page is intentionally left blank