

Name of meeting: Council

Date: 21 March 2018

Title of report: Update in relation to Senior Management Change and amendment to the officer scheme of delegation relating to non-executive risk and performance functions.

Purpose of report: To update Members in relation to a change to the Section 151 officer and the constitutional changes to the officer non-executive delegated decision making required as a result of that.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	N/A
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	N/A
The Decision - Is it eligible for call in by Scrutiny?	N/A
Date signed off by <u>Chief Executive</u>	N/A Chief Executive Jacqui Gedman
Signed off by Strategic Director – Corporate Services	Rachel Spencer-Henshall 13 March 2018
Signed off by the Service Director for Legal Governance and Commissioning	Yes 13 March 2018
Cabinet member portfolio	N/A

Electoral wards affected: N/A

Ward councillors consulted: N/A

Public or private: Public

1. Summary

- 1.1 To update Members in relation to a change to the Section 151 officer and the constitutional changes to the officer non-executive delegated decision making required as a result of that.
- 1.2 This report and the proposed changes to Section F of Part 3 of the Constitution (Officer Delegations) has already been considered by Corporate Governance & Audit Committee on 9 March 2018.

2. Information required to take a decision

- 2.1 The Service Director - Finance, IT and Transactional Services is the designated Chief Officer responsible for the proper administration of the Council's financial affairs under Section 151 of the Local Government Act 1972 and is responsible for the strategic direction and overall management and delivery of that function.

- 2.2 The current postholder leaves the Council on 18 March 2018. Personnel Committee on 13 February asked the Chief Executive to appoint an internal candidate to the post on an Acting basis to fulfil the Section 151 responsibilities. Eamonn Croston has been appointed to do this. This arrangement will continue for up to 6 months or until a permanent replacement is recruited. The Council is carrying out an executive search as part of this process.
- 2.3 The scheme of delegation to officers is set out in Section F of Part 3 of the Constitution. This contains a number of delegations of executive and non-executive functions to officers including to the Service Director Finance, IT and Transactional Services. Those delegations include responsibility for Risk and Performance matters.
- 2.4 It is proposed that the responsibility for the non-executive functions under these headings be changed and responsibility for Risk be delegated to the Service Director Legal, Governance & Commissioning and Performance be delegated to the Service Director Policy, Intelligence and Public Health (who is currently carrying out this role as well as that of the Acting Strategic Director for Corporate Services).
- 2.5 The relevant part of Section F is as follows:

D. Risk and Performance

Non-Executive Functions

1. All functions and responsibilities of the Council relating to risk and performance matters subject to the exceptions that:

Matters are referred to the Council and/or the Corporate Governance & Audit Committee as specified in paragraph 3 of the General Provisions.

Executive Functions

2. All functions and responsibilities of the Council relating to risk and performance matters and not by virtue of any legislation present or future prevented from being the responsibility of the Executive or required by legislation to be carried out by full Council together with any Local Choice functions set out within Section A of this Part that have been allocated to the Executive subject to the exceptions that:

Matters are referred to the Executive in the following cases:

- (i) As specified in paragraph 3 of the General Provisions above.

Without prejudice to the generality of the above, such functions and responsibilities referred to in E1 and E2 above include but are not limited to:

- (a) Performance;
- (b) Risk Management;
- (c) Internal Audit; and
- (d) Insurance.

- 2.6 Members are asked to approve the non-executive delegations proposed as set out above to the Service Directors and recommend the changes to Council. Any changes to the Executive Functions are made by the Council Leader.

3. **Implications for the Council**

3.1 The Council is responsible for ensuring that the appropriate delegations and responsibilities are in place, in particular those designated by statute as in this case, are properly delegated so we can ensure robust, sound and lawful decision making.

4. **Consultees and their opinions**

4.1 The proposed amendments have been discussed with the Chief Executive and Service Director Policy, Intelligence & Public Health and Acting Strategic Director Corporate Services and Service Director Legal, Governance & Commissioning.

4.2 Corporate Governance & Audit Committee have also considered this report and have agreed the changes to the responsibility for non-executive functions as set out in this report in principle. They also recommend that Council agree them as set out in the Officer Recommendations in Section 6 of this report.

5. **Next steps**

5.1 The Monitoring Officer makes the necessary constitutional amendments.

6. **Officer recommendations and reasons**

That Council:

6.1 Note the appointment of the Acting Service Director - Finance, IT and Transactional Services as the Section 151 statutory officer;

6.2 Agree the proposed changes to the responsibility for non-executive functions, as set out in within this report; and

6.3 Delegate the Monitoring Officer with authority to make the necessary amendments to the Constitution to do this.

7. **Cabinet portfolio holder's recommendations**

Not applicable.

8. **Contact officer**

Julie Muscroft Service Director Legal, Governance & Commissioning
Samantha Lawton Senior Legal Officer

9. **Background Papers and History of Decisions**

Report to Corporate Governance & Audit Committee on 9 March 2018 with the same title as this.

10. **Service Director responsible**

Julie Muscroft Service Director Legal, Governance & Commissioning.