



**Haringey** Council

Report for:	Full Council 26 <sup>th</sup> February 2014	Item Number:	7 (ii)
Title:	Designation of the Council's Chief Financial Officer, Monitoring Officer and Scrutiny Officer		
Report Authorised by:	Nick Walkley - Chief Executive and Head of Paid Service <i>Nick Walkley</i>		
Lead Officer:	Paul Smith - Human Resources		
Ward(s) affected: All	Report for Key/Non Key Decisions: Non Key Decision		

1. Describe the issue under consideration
  - 1.1 The purpose of this report is to designate the following statutory officers as required by legislation:
    - The Monitoring Officer
    - The Section 151 / Chief Finance Officer
  - 1.2 As provided for at Article 12.01(c) of the Council's Constitution , Full Council is required to designate officer posts with these responsibilities.
  - 1.3 In accordance with the Localism Act 2011 the Council is also required to designate one of its officers as the Council's Scrutiny Officer.
2. Cabinet Member introduction  
N/A
3. Recommendations  
It is recommended that the Council:



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- 3.1 Designate the post of Assistant Director of Corporate Governance as the Council's Monitoring Officer as required under Section 5 of the Local Government & Housing Act 1989
- 3.2 Designate the post of Assistant Director Finance as the Chief Finance Officer as required under Section 151 of the Local Government Act 1972
- 3.3 Designate the Deputy Chief Executive as the Council's Scrutiny Officer as required under Section 9FB of the Localism Act 2011.

## 4. Alternative options considered

- 4.1 This is a statutory requirement upon the Council.

## 5. Background information

- 5.1. Following a review of the senior management structure the Council needs to designate specific posts as statutory officers as follows:

### Monitoring Officer

- 5.2. The Council is required by section 5 of the Local Government and Housing Act 1989 to designate one of its officers to be known as the Monitoring Officer, to be the officer responsible for performing the duties imposed by section 5 of that Act. Further functions are allocated to the Monitoring Officer by other legislation and by delegation by the Authority, primarily in relation to member conduct and corporate governance.
- 5.3. Under the 1989 Act the officer designated cannot also be the authority's Head of the Paid Service or Chief Finance Officer. Section 5A (10) provides that "the duties of an authority's Monitoring Officer under this section shall be performed by him personally or, where he is unable to act owing to absence or illness, personally by such member of his staff as he has for the time being nominated as his deputy for the purposes of this section".
- 5.4. Previously the post of Head of Legal Services was the Council's Monitoring Officer. This post was deleted in the restructure and replaced by the post of Assistant Director of Corporate Governance. Therefore, it is proposed that this post be designated as the Council's Monitoring Officer. The previous Head of Legal Services, Bernie Ryan, has been appointed to the post of Assistant Director of Corporate Governance with effect from 7<sup>th</sup> January 2014

### Chief Finance Officer



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- 5.5. Section 151 Local Government Act 1972 states that the Council is required to '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'. In accordance with section 114 Local Government Finance Act 1988, this officer is to be known as the Chief Finance Officer and is responsible for performing the duties imposed by that section. Section 113 of the Local Government Finance Act 1988 requires the person to be a member of a specified accounting body, namely a professionally qualified accountant.
- 5.6. The post of Director of Corporate Resources was previously designated with the statutory responsibilities of section 151 of the 1972 Act. Following deletion of this post as part of the senior management restructure, in November 2013 the Chief Executive and Head of the Paid Service acting in consultation with the Mayor under Part 3 of the Council's Constitution designated the post of Assistant Director Finance as the Council's Chief Finance Officer on a temporary basis, until this meeting. It is therefore proposed that this post be formally designated by members as the Chief Finance Officer. Kevin Bartle is appointed as Assistant Director Finance. This designation of this post as Chief Finance Officer will be reviewed once the Chief Operating Officer has been appointed to.
- 5.7. In accordance with section 114 Local Government Finance Act 1988, the Chief Finance Officer is also able to nominate a suitably financially qualified person to act on their behalf, as Deputy, when the Chief Finance Officer is unable to act due to absence or illness.
- Scrutiny Officer
- 5.8. Under Section 9FB of the Localism Act 2011, the Council is required to designate one of its officers, to be known as its Scrutiny Officer, responsible for the following functions—
- (a) to promote the role of the authority's overview and scrutiny committee or committees,
  - (b) to provide support to the authority's overview and scrutiny committee or committees and the members of that committee or those committees,
  - (c) to provide support and guidance to—
    - (i) members of the authority,
    - (ii) members of the executive of the authority, and
    - (iii) officers of the authority,
- in relation to the functions of the authority's overview and scrutiny committee or committees.
- 5.9. Under the above Act this post cannot be the Head of the Paid Service, Chief Finance Officer or Monitoring Officer. The Assistant Chief Executive was previously the Scrutiny Officer. However this post has been deleted in the senior management restructure.



- 5.10. Accordingly it is now proposed that the post of Deputy Chief Executive be formally designated as the Scrutiny Officer.
  
6. Comments of the Chief Finance Officer and financial implications  
There are no financial implications arising from this report.
  
7. Assistant Director of Corporate Governance Comments and legal implications  
The legal and constitutional implications are set out in the body of the report.
  
8. Equalities and Community Cohesion Comments  
N/A
  
9. Head of Procurement Comments  
N/A
  
10. Policy Implication  
N/A
  
11. Reasons for Decision  
11.1. The Council is obliged to designate these Statutory Posts under the legislation set out in section 5 of this report.
  
12. Use of Appendices  
N/A
  
13. Local Government (Access to Information) Act 1985  
N/A