

# Council

## Management Restructure

29 September 2011

## Report of Chief Executive

### PURPOSE OF REPORT

To update members on the formation of a Joint Management Team, to appoint a Section 151 Officer and to propose amendments to the constitution arising from the staff changes.

This report is public
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### Recommendations

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Council is recommended to:

- (1) Note the appointments to the posts in the Joint Management Team
- (2) Agree that Martin Henry be appointed as Section 151 Officer with effect from 1 October 2011
- (3) Agree the constitutional amendments as set out in paragraph 1.6 of this report and instruct the Chief Executive to amend the Constitution as required.

### Executive Summary

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#### Introduction

- 1.1 At the July meeting of Council members approved the structure for the new joint management team. Since then, applications for the new posts have been sought from the staff in scope.
- 1.2 The Joint Personnel Committee (JPC) has met on a number of occasions in September in order to conduct the final interviews with staff who had been shortlisted for Director and Head of Service roles. The terms of reference for the JPC requires the recommendation of the JPC regarding appointments to posts to be notified to each member of the Cabinet at South Northamptonshire Council and the Executive at Cherwell District Council and for the members of the Cabinet and Executive to have the opportunity to raise an objection to the recommendation. Appointments can only be confirmed once the period for objection has passed or if an objection is

raised after it has been resolved by reference back to JPC. At the time of writing, three appointments have been confirmed namely that of the three directors; Ian Davies, Calvin Bell and Martin Henry.

## **Proposals**

### **Section 151/ Chief Finance Officer**

- 1.3 The Joint personnel Committee has recommended that Martin Henry be appointed as the Section 151 Officer in accordance with the Local Government Act 1972 and Local Government Finance Act 1988 with effect from 1 October 2011. This Act requires each local authority to appoint a suitably qualified person to be the statutory officer responsible for the financial business of the council. The appointment can only be confirmed by Council. It is therefore recommended that Council accepts the recommendation from the Joint personnel committee that Martin Henry should be appointed to this position.
- 1.4 The Local Government and Housing Act 1989 also requires each local authority to appoint a Monitoring Officer. At the time of writing the Joint Personnel Committee had not made a recommendation for this post. Members will be updated at the meeting and asked to consider any recommendation that has been made in the intervening period.
- 1.5 Interviews have been scheduled for 23 and 26 September for the eight Heads of Service and on 27 September for the three manager posts. Members will be updated at the meeting on the outcome of these interviews.

### **Constitutional Implications of the Joint Management Team**

- 1.6 The scheme of delegation to officers contained in part 1 of the Constitution, specifies the delegated powers to officers, in addition there are further specific responsibilities that are allocated to named posts within the meeting procedure rules and codes and protocols. In light of the changes to the structure and post titles in the new shared structure it is necessary as an interim measure to amend the scheme to allow for these changes. It is proposed that the following clause be included in section 1.4 of the constitution:-

#### ***“Transfer of functions***

*Where the name of a post is changed or its relevant functions are allocated to a different post, any delegated powers shall be retained by the renamed post or transferred to a different post as allocated by the Head of Paid Service.”*

It is, however, acknowledged that, for clarity and transparency, it is desirable to have a revised scheme of officer delegation expressly linking relevant powers to relevant officers as soon as is practicable and this will be a priority action once the detailed service areas to be allocated to each post have been identified, together with the allocation of any sub-delegations.

## Conclusion

- 1.7 The proposals set out in this report, together with the appointment of a Monitoring Officer, to be made at this meeting following the interviews for Head of Service posts ensure that the legal requirements on the council are met.

## Key Issues for Consideration/Reasons for Decision and Options

The following options have been identified. The approach in the recommendations is believed to be the best way forward

- Option One** To agree the recommendations in the report
- Option Two** Not to agree the recommendations as set out in the report – it should be noted that it is a legal requirement to ensure that both councils have a Section 151 and Monitoring Officer.
- Option Three** To amend the recommendations

## Implications

- Financial:** There are no financial implications arising directly from this report.  
Comments checked by Sarah Best, Senior Accountancy Assistant 01295 221736
- Legal:** It is a legal requirement that councils appoint Section 151 and Monitoring Officers and that any provision for delegations are set out in the officer scheme of delegation. It is important that these three requirements are met and that both Section 151 and Monitoring Officers have been delegated.  
Comments checked by James Doble, Democratic, Scrutiny and Elections Manager/ Deputy Monitoring officer 01295 221587
- Risk Management:** The appointment of Section 151 and Monitoring Officers mitigates the risk to the authority in terms of non-compliance with legislation. The constitutional amendment will ensure that officer delegations can be allocated as appropriate by Head of Paid Service.  
Comments checked by James Doble, Democratic, Scrutiny and Elections Manager/Deputy Monitoring Officer 01295 221587

## Wards Affected

All

## Document Information

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<b>Appendix No</b>	<b>Title</b>
N/A	N/A
<b>Background Papers</b>	
None	
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