


URGENT BUSINESS AND SUPPLEMENTARY INFORMATION
Council
7 February 2022

Agenda Item Number	Page	Title	Officer Responsible	Reason Not Included with Original Agenda
8.	(Pages 3 - 6)	Appointment of Interim Monitoring Officer	Chief Executive	Arrangements under review and the report being finalised accordingly at time of agenda dispatch
9.	(Pages 7 - 10)	Appointment of Section 151 Officer	Chief Executive	Arrangements under review and the report being finalised accordingly at time of agenda dispatch

If you need any further information about the meeting please contact Natasha Clark, Democratic and Elections democracy@cherwell-dc.gov.uk, 01295 221589

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Cherwell District Council

Council

7 February 2022

Appointment of Interim Monitoring Officer

Report of Chief Executive

This report is public

Purpose of report

To appoint a Monitoring Officer on an interim basis in place of Anita Bradley, Director of Law and Governance, in light of the end of formal partnership working arrangements between Cherwell District Council and Oxfordshire County Council.

1.0 Recommendations

The meeting is recommended:

- 1.1 to appoint Shahin Ismail on an interim basis as the Council's Monitoring Officer with effect from 9 February 2022.

2.0 Introduction

- 2.1 The Local Government and Housing Act 1989 requires the Council to appoint a Monitoring Officer to be responsible for specified statutory functions.
- 2.2 Subject to the decision to serve notice to end the formal partnership arrangements between Oxfordshire County Council and Cherwell District Council, it is necessary for the council to appoint an interim Monitoring Officer.

3.0 Report Details

Monitoring Officer

- 3.1 Section 5 of the Local Government and Housing Act 1989 requires the Council to designate one of its officers to be the Monitoring Officer. The Monitoring Officer cannot be the Council's Head of Paid Service or its Chief Finance (Section 151) Officer. The Council is obliged to provide the monitoring officer with such staff,

accommodation and other resources as they, in their opinion, requires to fulfil their statutory duties.

- 3.2 It is the duty of the Monitoring Officer to prepare a report to full Council or Executive in relation to non-executive and executive functions respectively where they are of the opinion that any proposal, decision or omission by the council has given rise to, or is likely to or would give rise to a contravention of any enactment or rule of law, or to maladministration. Such a report must be considered by members within 21 days and the implementation of any relevant decision must be held in abeyance until the report is considered.
- 3.3 The Monitoring Officer also has responsibility pursuant to sections 27-34 of the Localism Act 2011 to administer the ethical regime for members of the Council and all parish councillors in the Council's district, as well as acting as the Monitoring Officer for all such parish councils.
- 3.4 In addition the Monitoring Officer, as one of the three statutory officers, has a general role in ensuring and advising on the lawfulness the Council's actions.
- 3.5 The council's current Monitoring Officer is Anita Bradley. Anita Bradley is an employee of Oxfordshire County Council and the appointment as Cherwell District Council's Monitoring Officer is pursuant to the shared working agreement entered into by Cherwell District Council and Oxfordshire County Council pursuant to section 113 of the Local Government Act 1972.
- 3.6 Subject to the decision to end the section 113 agreement, it is not possible for Anita Bradley to continue as Monitoring Officer for Cherwell District Council. Accordingly it is necessary to appoint an interim Monitoring Officer.
- 3.7 Anita Bradley will continue in her role as Director of Law and Governance across Oxfordshire County Council and Cherwell District Council pending the arrangements for ending the formal partnership and subject to any new management arrangements at Cherwell District Council.
- 3.8 With the support of HR, recruitment for an interim Monitoring Officer has been undertaken and it is recommended that Shahin Ismail be appointed as interim Monitoring Officer.
- 3.9 Shahin Ismail is a very experienced local authority Monitoring Officer and senior leader, with an extensive portfolio of service and corporate transformation delivery. She is also a governance specialist and employment barrister – bringing essential experience to the role at this time.
- 3.10 Subject to her appointment, Shahin Ismail will be requested to appoint at least one Deputy Monitoring Officer to act in her absence.

4.0 Conclusion and Reasons for Recommendations

- 4.1 In accordance with statutory requirements it is recommended that Shahin Ismail be appointed as the Council's Monitoring Officer on an interim basis.

5.0 Consultation

- 5.1 Leader of the Council and the Executive – no objections received

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: To appoint an alternative officer. This is rejected because Shahin Ismail has the necessary skills and experience to fulfil the role.

Option 2: Not to appoint a Monitoring Officer. This is rejected as the Council is legally required to appoint to the statutory post

7.0 Implications

Financial and Resource Implications

- 7.1 The costs of appointing an interim Monitoring Officer can be met within existing budgets.

Comments checked by:

Michael Furness, Assistant Director of Finance,
michael.furness@cherwell-dc.gov.uk, 01295 221845

Legal Implications

- 7.2 These are set out in the body of the report. It is necessary for full Council to approve the appointment of a Monitoring Officer.

Comments checked by:

Anita Bradley, Director of Law and Governance, anita.bradley@cherwell-dc.gov.uk

Risk Implications

- 7.3 The council has a statutory duty to appoint a Monitoring Officer. Making the recommended interim appointment will ensure the council fulfils this duty.

Comments checked by:

Louise Tustian, Head of Insight and Corporate Programmes 01295 221786
Louise.tustian@cherwell-dc.gov.uk

Equalities and Inclusion Implications

- 7.4 There are no specific equalities implications arising from this report.

Comments checked by:

Emily Schofield, Acting Head of Strategy, emily.schofield@cherwell-dc.gov.uk,
07881 311707

8.0 Decision Information

Key Decision

Financial Threshold Met: N/A

Community Impact Threshold Met: N/A

Wards Affected

All

Links to Corporate Plan and Policy Framework

Not applicable – this report is made pursuant to a statutory requirement.

Lead Councillor

Councillor Barry Wood, Leader of the Council

Document Information

Appendix number and title

- None

Background papers

None

Report Author and contact details

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Cherwell District Council

Council

7 February 2022

Appointment of Section 151 Officer

Report of Chief Executive

This report is public

Purpose of report

To appoint a Section 151 (S151) Officer in place of Lorna Baxter, in light of the end of formal partnership working arrangements between Cherwell District Council and Oxfordshire County Council.

1.0 Recommendations

The meeting is recommended:

- 1.1 to appoint Michael Furness as the Council's Section 151 Officer with effect from 9 February 2022.

2.0 Introduction

- 2.1 The Local Government and Housing Act 1989 requires the Council to appoint a Section 151 Officer to be responsible for specified statutory functions.
- 2.2 Subject to the decision to serve notice to end the formal partnership arrangements between Oxfordshire County Council and Cherwell District Council, it is necessary for the council to appoint a Section 151 Officer.

3.0 Report Details

Section 151 (S151) Officer

- 3.1 The Local Government Act 1972 requires every local authority to appoint a suitably qualified officer responsible for the proper administration of its financial affairs. This role is commonly referred to as the S151 officer. The term S151 Officer has been used as a short hand expression to refer to the role and duties of the 'Responsible

Financial Officer' as defined by CIPFA (the function of the most senior finance officer employed by an organisation).

- 3.2 Section 113 of the Local Government Finance Act 1988 requires that the officer appointed as the Chief Finance Officer (CFO) be a member of a specified accountancy body.
- 3.3 The role of a CFO lies at the heart of any effective and well governed organisation. The over-riding duty of this officer is to fulfil the statutory responsibilities attached to the position in a manner that enhances the overall reputation of the Council. There are responsibilities which solely rest with a CFO. The duties include the closing of accounts, finalising budget preparations, audit opinion and sound financial management.
- 3.4 The council's current Section 151 Officer is Lorna Baxter. Lorna Baxter is an employee of Oxfordshire County Council and the appointment as Cherwell District Council's Section 151 Officer is pursuant to the shared working agreement entered into by Cherwell District Council and Oxfordshire County Council pursuant to section 113 of the Local Government Act 1972.
- 3.6 Subject to the decision to end the section 113 agreement, it is not possible for Lorna Baxter to continue as Section 151 Officer for Cherwell District Council. Accordingly it is necessary to appoint a new Section 151 Officer.
- 3.8 It is the recommendation of the Chief Executive, that Michael Furness be appointed as the council's Section 151 Officer.
- 3.9 Michael Furness is suitably qualified for the role as a practicing accountant. He has demonstrated his ability and suitability for this role in the way he has conducted himself and delivered to an extremely high level in his current post as Deputy s151 officer.
- 3.10 Subject to his appointment, Michael Furness will be requested to appoint at least one Deputy Section 151 Officer to act in his absence.

4.0 Conclusion and Reasons for Recommendations

- 4.1 In accordance with statutory requirements it is recommended that Michael Furness be appointed as the Council's Section 151 Officer.

5.0 Consultation

- 5.1 Leader of the Council and the Executive – no objections received
- 5.2 The proposed appointee has been consulted and supports the proposals.

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: To appoint an alternative Section 151 officer. This is rejected because Michael Furness has the necessary skills and experience to fulfil the role.

Option 2: Not to appoint a Section 151 Officer. This is rejected as the Council is legally required to appoint to the statutory post

7.0 Implications

Financial and Resource Implications

- 7.1 The costs of appointing a Section 151 Officer can be met from within existing budgets.

Comments checked by:

Lorna Baxter, Director of Finance, lorna.baxter@cherwell-dc.gov.uk

Legal Implications

- 7.2 These are set out in the body of the report. It is necessary for full council to approve the appointment of a S151 Officer.

Comments checked by:

Anita Bradley, Director of Law and Governance, anita.bradley@cherwell-dc.gov.uk

Risk Implications

- 7.3 The council has a statutory duty to appoint a Section 151 Officer. Making the recommended appointment will ensure the council fulfils this duty.

Comments checked by:

Louise Tustian, Head of Insight and Corporate Programmes, 01295 221786
Louise.tustian@cherwell-dc.gov.uk

Equalities and Inclusion Implications

- 7.4 There are no specific equalities implications arising from this report.

Comments checked by:

Emily Schofield, Acting Head of Strategy, emily.schofield@cherwell-dc.gov.uk,
07881 311707

8.0 Decision Information

Key Decision

Financial Threshold Met: N/A

Community Impact Threshold Met: N/A

Wards Affected

All

Links to Corporate Plan and Policy Framework

Not applicable – this report is made pursuant to a statutory requirement.

Lead Councillor

Councillor Barry Wood, Leader of the Council

Document Information

Appendix number and title

- None

Background papers

None

Report Author and contact details

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