

WELWYN HATFIELD BOROUGH COUNCIL  
COUNCIL MEETING – 3 OCTOBER 2016  
REPORT OF THE DIRECTOR (GOVERNANCE)

APPOINTMENT OF STATUTORY OFFICERS AND DELEGATED AUTHORITY TO DIRECTORS

**1 Executive Summary**

- 1.1 This report asks the Council to make changes to the current appointment of Statutory Officers and interim arrangements for the delegation of authority to the Directors.

**2 Recommendations**

- 2.1 That the Head of Law and Administration be appointed to the statutory post of Monitoring Officer.
- 2.2 That the Head of Resources be appointed to the statutory post of Chief Finance Officer.
- 2.3 That the Principal Governance Officer continue to be designated to the post of Deputy Monitoring Officer.
- 2.4 That the Finance Manager be designated to the post of Deputy Chief Finance Officer.
- 2.5 That the delegated authority currently applicable to the Director posts, both generally and specifically, be extended to the three new Strategic/Corporate Director roles created under the management restructuring arrangements.
- 2.6 That these appointments and changes be made with immediate effect.
- 2.7 That the Monitoring Officer be authorised to amend the Constitution to take account of these and any other consequential amendments required.

**3 Explanation**

- 3.1 The Council is required by law to appoint certain Officers to undertake specific duties by statute. These three posts of Head of Paid Service, Monitoring Officer and Chief Finance Officer are known as Statutory Officers. Additionally, under the Council's Constitution, certain powers are delegated generally to all Directors and other powers are delegated to named individual posts.
- 3.2 The Chief Executive is appointed to the Statutory Officer post of Head of Paid Service.
- 3.3 The Director (Governance) is currently appointed to the Statutory Officer post of Monitoring Officer and the Director (Finance and Operations) is currently appointed to the Statutory Officer post of Chief Finance Officer. The duties of

both posts are carried out personally (apart from the administration of the financial affairs of the Council).

- 3.4 The Director (Governance) acts as the Council's Monitoring Officer within the meaning of Section 5 of the Local Government and Housing Act 1989. It is the role of the Monitoring Officer to ensure that the Council at all times acts lawfully and within its own rules and procedures as set down in the Constitution.
- 3.5 The Council designates a Deputy to act in the absence of the Monitoring Officer. It may not however be the Head of Paid Service or the Chief Finance Officer who are not allowed to hold the Monitoring Officer role. The Head of Law and Administration and Principal Governance Officer are the Deputies at present.
- 3.6 The Director (Finance and Operations) acts as the Chief Finance Officer within the meaning of Section 151 of the Local Government Act 1972. It is the role of the Chief Finance Officer to ensure that the Council makes arrangements for the proper administration of its financial affairs.
- 3.7 The Council designates a Deputy to act in the absence of the Chief Finance Officer. It may not be the Monitoring Officer. The Head of Resources is the Deputy at present.
- 3.8 The appointment of these Statutory Officers and the changes to the delegation arrangements are necessary because the posts of Director (Governance), Director (Finance and Operations), Director (Strategy and Development) and Managing Director of the Housing Trust are being deleted as part of the current restructuring of the senior management of the authority and three new posts of Strategic/Corporate Director are being created.

### **Implications**

#### **4 Legal Implication(s)**

- 4.1 The Council is required by law to appoint the three Statutory Officer posts which are provided for in Article 12 of the Constitution - Officers.

#### **5 Financial Implication(s)**

Any costs arising from these proposals are included within the Chief Executive's restructuring of the senior management of the Council.

#### **6 Risk Management Implications**

- 6.1 If the Council did not make these Statutory Officer appointments it would fail to comply with legislation.

#### **7 Security and Terrorism Implication(s)**

- 7.1 There are no security and terrorism implications inherent in relation to the proposals in this report.

#### **8 Procurement Implication(s)**

- 8.1 There are no procurement implications inherent in relation to the proposals in this report.

**9 Climate Change Implication(s)**

**9.1** There are no climate change implications inherent in relation to the proposals in this report.

**10 Link to Corporate Priorities**

**10.1** The subject of this report is linked to statutory requirements under the Local Government Act 1972 and the Local Government and Housing Act 1989 and provisions in respect of the appointment of Officers in the Council's Constitution.

**11 Equality and Diversity**

**11.1** An Equality Impact Assessment (EIA) has not been carried out in connection with the proposals that are set out in this report. It is considered that there are no differential impacts.

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Background papers to be listed (if applicable)

None