
Change of Statutory Role – Supporting Information

1. Introduction/Background

- 1.1 This report seeks Personnel Committee approval for a recommendation from the Chief Executive to transfer a number of the Council's statutory officer roles.
- 1.2 It is proposed that the statutory role of Section 151 Officer will be moved from the Head of Finance and Property, to the Executive Director (Resources). It is further proposed that the role of DCS will move from the Head of Education and the role of DASS will move from the Head of Adult Social Care and both of these statutory roles will be undertaken by the Executive Director (People). It is proposed that these new designations will take effect from the date that the Executive Director posts become occupied.
- 1.3 In accordance with section 113 of the Local Government Finance Act 1988, the Section 151 Officer is required to hold a specified professional qualification and if this proposal is approved, the Executive Director (Resources) will need to hold a relevant qualification.

2. Supporting Information

- 2.1 The Council has five statutory roles (also known as 'proper officer' roles) which must be attached to a post. The statutory nature of the roles is set out in various pieces of legislation (see Appendix C for details). The five statutory roles are: Section 151 Officer, Head of Paid Service, Monitoring Officer, Director of Children's Services (DCS) and Director of Adult Social Services (DASS).
- 2.2 Section 151 of the Local Government Act 1972 requires local authorities 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. This requirement leads to the statutory role of "Section 151 Officer".
- 2.3 Section 4 of the Local Government and Housing Act 1989 provides that it is the duty of every local authority to designate one of their officers as its Head of Paid Service. This duty leads to the statutory role of Head of Paid Service.
- 2.4 Section 5 of the Local Government and Housing Act 1989 provides that it is the duty of every local authority to designate one of their officers as its Monitoring Officer. This duty leads to the statutory role of Monitoring Officer.
- 2.5 Section 18 (7) of the Children's Act 2004 requires every upper tier local authority to appoint a Director of Children's Services. This requirement leads to the statutory role of Director of Children's Services (DCS).
- 2.6 Section 6 of the Local Authority Social Services Act 1970 is amended by Section 2 of the Children's Act 2004 to require a local authority with social services responsibility to appoint an officer as the Director of Adult Social Services (once it has appointed a DCS). This requirement leads to the statutory role of Director of Adult Social Services (DASS).

- 2.7 The Council's constitution delegates the duty to designate officers to each of the statutory roles to the Personnel Committee. The report to the Executive on 28th March 2019 titled '*Senior Management Arrangements from April 2019 - Final Proposals*' contained proposals which state that the statutory roles may be moved between suitable senior posts according to the needs of the Council. The mechanism for doing this is for the Head of Paid Service to make a recommendation to the Personnel Committee. This is the first report to Personnel Committee to do this following that Review.
- 2.8 The Scheme of Delegation at paragraph 3.1.3 contains a Schedule of Council functions, which indicates that the Personnel Committee shall be responsible for making for the allocation of the statutory (proper officer) roles in the Council.

3. Proposal

- 3.1 That the statutory role of Section 151 Officer is transferred from the post of Head of Finance and Property to the post of Executive Director (Resources) on the date when the post of Executive Director (Resources) becomes occupied.
- 3.2 That the statutory role of DCS is transferred from the post of Head of Education to the post of Executive Director (People) on the date when the post of Executive Director (People) becomes occupied.
- 3.3 That the statutory role of DASS is transferred from the post of Head of Adult Social Care to the post of Executive Director (People) on the date when the post of Executive Director (People) becomes occupied.

4. Conclusion

- 4.1 It is considered that the designations of the statutory posts detailed in this report to the respective Executive Directors is appropriate at this time.
- 4.2 The rationale for the recommendation in this report is set out in the Chief Executive's report to the Executive on 28th March 2019 – '*Senior Management Arrangements from April 2019 - Final Proposals*'. The summary report and supporting information (not the appendices) from the Executive meeting are shown at Appendix D for information.

Officer details:

Name: Robert O'Reilly
Job Title: Head of HR
Tel No: 519358
E-mail Address: robert.oreilly@westberks.co.uk

Appendix D

The Chief Executive's report to the Executive on 28th March 2019 – '*Senior Management Arrangements from April 2019 - Final Proposals*' attached.