

APPOINTMENT OF SENIOR OFFICERS

REPORT OF: Chief Executive
Contact Officer: Kathryn Hall, Chief Executive
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Wards Affected: All
Key Decision: N/A
Report to: Council
12 October 2022

Purpose of Report

1. The purpose of this report is to seek Council's approval for the appointment of key statutory and senior roles, as required by the Constitution. They are; Rachel Jarvis as the Council's Section 151 Officer; Geoff Wild as the Council's Interim Monitoring Officer; Kathryn Hall as the Council's Returning Officer and Electoral Registration Officer; and Louise Duffield as the Director Resources and Organisational Development.

Recommendations

2. **Council is recommended to agree the appointment of:**
 - (a) **Rachel Jarvis as the Council's Section 151 Officer;**
 - (b) **Geoff Wild as the Council's Interim Monitoring Officer;**
 - (c) **Kathryn Hall as the Council's Returning Officer and Electoral Registration Officer;**
 - (d) **Louise Duffield to the Director Resources and Organisational Development post.**
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Background

3. As Members are aware the current Monitoring Officer, Returning Officer and Electoral Registration Officer, Tom Clark is retiring at the end of October 2022.
4. As part of the restructure of the Council's senior officer tiers, recruitment to several new posts has taken place over the summer. This report updates Members on this process and requests Council's support for key appointments.
5. Details of the new structure can be found at Appendix 1.

Appointment of S151 Officer

6. 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 Section 151 officer. The term S151 Officer has been used as a short form of expression to refer to the role and duties of the 'Responsible Financial Officer' as defined by The Chartered Institute of Public Finance and Accountancy (CIPFA).
7. Section 113 of the Local Government Finance Act 1988 requires that the officer appointed as the Chief Finance Officer (CFO) must be a member of a specified accountancy body (a body that is a member of the Consultative Council of Accountancy Bodies or the Chartered Institute of Management Accountants).

8. 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. The CFO has a statutory duty under Section 151 of the Local Government Act 1972 to ensure that there are proper arrangements in place to administer the Council's financial affairs. Section 114 of the Local Government Finance Act 1988 requires the S151 Officer to report to the full Council, the Chief Executive and the External Auditor if the authority or one of its officers:
 - (a) has made, or is about to make, a decision which involves incurring unlawful expenditure
 - (b) has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the authority
 - (c) is about to make an unlawful entry in the authority's accounts.
9. In May 2022 the Council appointed Stephen Fitzgerald as an interim CFO until such time as a permanent appointment could be made. Following a recruitment process over the summer, Rachel Jarvis is recommended to be appointed as a permanent s151 Officer.
10. Rachel Jarvis is a full member of the Chartered Institute of Public Finance & Accountancy (CIPFA), with a wealth of experience in local government. She joins the Council from East Sussex County Council where she was Head of Finance and deputy S151 officer. Rachel will be returning to Mid Sussex, where she started her career as a trainee.
11. A handover with Stephen Fitzgerald (the current interim S151 officer) is in process. Members are requested to agree Rachel Jarvis' appointment, effective from 21 November 2022.

Appointment of Monitoring Officer

12. The Council is required to designate one of its officers as the Monitoring Officer (MO) pursuant to Section 5 of the Local Government and Housing Act 1989, with sufficient resources to carry out that role. The Monitoring Officer is required to bring to the attention of Council any action of the Council or its Committees which has given rise to or is likely to give rise to contravention of any enactment, rule of law or maladministration. The officer acts as the lead officer on all Standards matters.
13. As Tom Clark is retiring, recruitment to the new role of Assistant Director Legal and Democratic Services (which will also be the Council's MO) took place successfully over the summer. However, at the time of writing, final arrangements for this appointment are yet to be concluded (including a start date), so we are not able to report details at this stage.
14. To cover the period from Tom Clark's retirement and the new substantive postholder arriving, a very experienced interim Monitoring Officer has been recruited. Geoff Wild has a great deal of legal and MO experience and will support the Council after Tom Clark leaves and until the new postholder has joined and a good handover had been achieved.
15. Geoff served Kent County Council for many years as Director of Governance and Law. He was the founder and Chief Executive of Invicta Law and has undertaken interim roles at many councils nationally.

16. Consequently, it is recommended that Geoff Wild be appointed as the interim Monitoring Officer from 1 November 2022.
17. Once the arrangements for the substantive postholder and MO are finalised, Council will be asked to confirm this statutory appointment (likely to be at its meeting in November).

Returning Officer (RO) and Electoral Registration Officer (ERO)

18. For all elections in the Mid Sussex District, the Council is required to appoint a person to be the Returning Officer for elections and someone to ensure there is an accurate electoral register for such elections.
19. Because of the timing of the arrival of the new Assistant Director Legal and Democratic Services (outlined above) it may be challenging to expect the new postholder to fulfil this role immediately (given the Council has elections in May 2023).
20. Therefore, to support the new appointee and offer continuity, it is recommended that pursuant to the Representation of the People Act 1983, the Council appoints Kathryn Hall, Chief Executive to be the Returning Officer for the Mid Sussex District Council area and the Electoral Registration Officer for the same area, with effect from 1 November 2022.
21. As Councillors are aware, the Chief Executive has a good deal of election experience. Appointing her to this role, should enable the new Assistant Director to shadow her and work alongside the Council's excellent Elections Team until ready to assume the RO and ERO roles.

Appointment of Director of Resources and Organisational Development

22. The Director Resources and Organisational Development is a new post and a member of the Management Team. It was created when the senior officer restructure reduced the number of senior officers from 5 to 4 (including the Chief Executive).
23. Following a recruitment process over the summer, it is recommended that Louise Duffield be appointed as the Director Resources and Organisational Development.
24. Louise joins the Council from the London Borough of Waltham Forest where she was Director of Customer Service and Business Support. Prior to this she was Head of Operations for Children in Need.
25. This role is not statutory, but Council's approval is required by the Pay Policy.

Policy and Legal Context

26. There is a legal requirement on the Council to designate three "Statutory Officers". These are the Head of Paid Service (Chief Executive), the Monitoring Officer and the Section 151 Officer / Chief Finance Officer.
27. It is a statutory requirement for local authorities to have statutory officers in place, in order to ensure that their necessary roles and functions are delivered effectively.
28. The Section 151 Officer has statutory duties and responsibilities relating to the Council's financial strategy and the arrangements for effective governance.

29. The Monitoring Officer is responsible for ensuring the actions of the Council are lawful and through the Standards Committee work with elected members to ensure high levels of probity and adherence to the adopted member Code of Conduct.
30. The Returning Officer is responsible for the delivery of elections in the Mid Sussex District and the Electoral Registration Officer is responsible for ensuring there is an up to date and accurate electoral register to be used in those elections.
31. The Director role is brought to Council for agreement in accordance with the Pay Policy adopted in June 2022 for the municipal year 2022/23.

Financial Implications

32. The financial implications associated with agreeing the recommendations can be covered within the existing revenue budget for 2022/23.

Risk Management Implications

33. None.

Equality and Customer Service Implications

34. None.

Other Material Implications

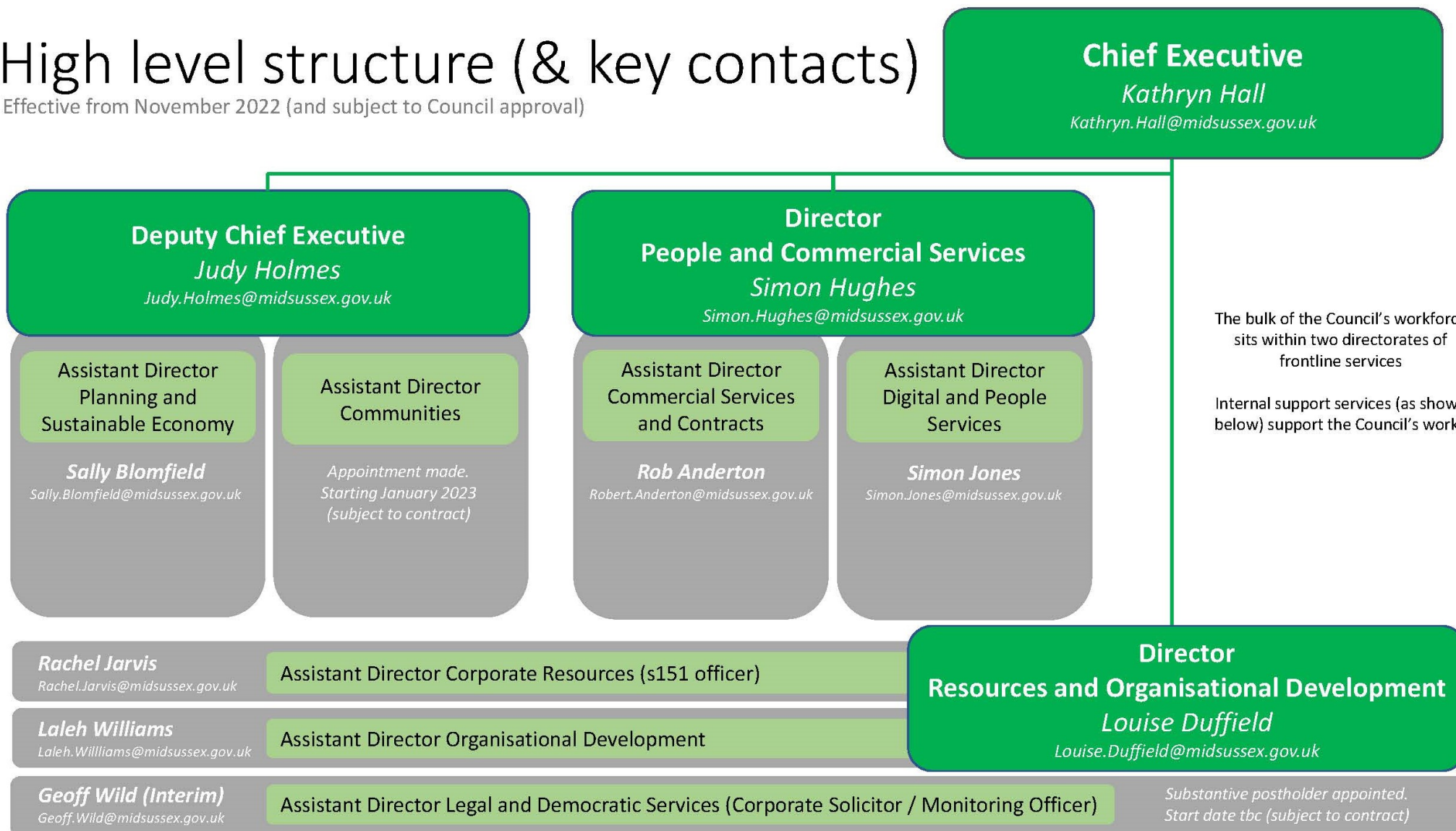
35. None.

Sustainability Implications

36. None

High level structure (& key contacts)

Effective from November 2022 (and subject to Council approval)



Chief Executive
Kathryn Hall
Kathryn.Hall@midsussex.gov.uk

Deputy Chief Executive
Judy Holmes
Judy.Holmes@midsussex.gov.uk

Assistant Director
Planning and Sustainable Economy
Sally Blomfield
Sally.Blomfield@midsussex.gov.uk

Assistant Director
Communities
Appointment made.
Starting January 2023
(subject to contract)

Director
People and Commercial Services
Simon Hughes
Simon.Hughes@midsussex.gov.uk

Assistant Director
Commercial Services and Contracts
Rob Anderton
Robert.Anderton@midsussex.gov.uk

Assistant Director
Digital and People Services
Simon Jones
Simon.Jones@midsussex.gov.uk

Director
Resources and Organisational Development
Louise Duffield
Louise.Duffield@midsussex.gov.uk

Rachel Jarvis
Rachel.Jarvis@midsussex.gov.uk

Assistant Director
Corporate Resources (s151 officer)

Laleh Williams
Laleh.Williams@midsussex.gov.uk

Assistant Director
Organisational Development

Geoff Wild (Interim)
Geoff.Wild@midsussex.gov.uk

Assistant Director
Legal and Democratic Services (Corporate Solicitor / Monitoring Officer)

Substantive postholder appointed.
Start date tbc (subject to contract)