

URGENT ITEM OF BUSINESS

**REPORT TO: WEST OF ENGLAND COMBINED AUTHORITY
COMMITTEE**

DATE: 28th JANUARY 2022

**REPORT TITLE: URGENT ITEM – APPOINTMENT OF INTERIM
MONITORING OFFICER AND INTERIM S.73 OFFICER**

DIRECTOR: PATRICIA GREER, CHIEF EXECUTIVE

AUTHOR: ALEX HOLLY, HEAD OF PEOPLE AND ASSETS

Purpose of Report

1 To seek the Committee's formal endorsement of the intended appointment of interim staff to fill the roles of Director of Legal Services (Statutory Monitoring Officer) and Director of Investment and Corporate Services (Statutory Section 73 Officer).

2. Recommendations

2.1 The Committee endorses the appointment of Stephen Gerrard as Interim Director of Legal Services (Statutory Monitoring Officer and Statutory Data Protection Officer)

2.2 The Committee endorses the appointment of Richard Ennis as Interim Director of Investment and Corporate Services (Statutory Section 73 Officer)

3. Background / Issues for Consideration

3.1 At the West of England Combined Authority Committee on 17th December, approval was granted for the Authority to commence recruitment of the Director of Legal Services and the Director of Investment and Corporate Services, in light of the fact that the incumbents of both of these posts are due to leave the Authority in the coming weeks.

3.2 Approval was also granted for the Authority to seek interim appointments for both of these posts, in acknowledgement of the fact that there is likely to be a gap between the incumbent postholders leaving, and the appointment of permanent replacements.

- 3.3 The adverts for the permanent replacements are live, and close on 6th February.
- 3.4 In the meantime, two strong interim candidates have been sourced, and subject to the endorsement of Committee, will be appointed to cover the roles on an interim basis. This process was concluded w/c 24th January, so it is necessary for this to be endorsed as an urgent item of business.
- 3.5 John McCormack, Monitoring Officer at South Gloucestershire Council, was involved in the interview process for the interim Director of Legal Services, while Dave Perry, Chief Executive of South Gloucestershire Council and former section 151 Officer, was involved in the interview process for the Director of Investment and Corporate Services.
- 3.6 It is proposed that Stephen Gerrard is appointed as the interim Director of Legal Services (holding the Statutory Monitoring Officer and Statutory Data Protection Officer responsibilities).
- 3.7 It is proposed that Richard Ennis is appointed as the interim Director of Investment and Corporate Services (holding the Statutory Section 73 Officer responsibility).
- 3.8 As the current Director of Legal Services leaves the Authority on Friday 28th January, it is proposed that the Stephen Gerrard starts on Monday 31st January.
- 3.9 It is proposed that Richard Ennis starts in post towards the end of February or early March 2022, to enable a handover with the current Director of Investment and Corporate Services.
- 3.10 The CVs of both of the proposed interim candidates have been shared with Committee Members separately via email.

4. Risk Management/Assessment

- 4.1 The endorsement of the recommendations outlined in this report will mitigate the significant risk of the Authority not having two vital statutory officers in post.
- 4.2 It should be noted that the risk of vacancies in the two statutory officer posts has been raised by the Audit Committee and the Overview and Scrutiny Committee separately, and the endorsement of these recommendations will address those concerns.

5. Finance Implications, including economic impact assessment where appropriate:

- 5.1 The indicative cost of covering the interim Section 73, Statutory Finance Officer, for a three-month period is circa £68k. Whereas the cost of covering the Statutory Monitoring Officer role, at four days per week, for the same time period is circa £49.5k.

- 5.2 The 2022/23 base budget for the two substantive CA roles for a three month period equates to circa £70k which would leave a one-off funding shortfall of approximately £47.5k which would have to be charged against Combined Authority Reserves. These costing assume a total engagement of three months for each interim.

Advice given by: Malcolm Coe, Director of Investment and Corporate Services

6 Legal Implications:

- 6.1 Under s5 of the Local Government and Housing Act 1989, the Combined Authority is required to appoint a Monitoring Officer.

Under section 73 of the Local Government Act 1985, the Authority is also required to appoint a Chief Finance Officer.

Both roles are statutory requirements.

Advice given by: Shahzia Daya, Director of Legal Services

7 Human Resources Implications:

- 7.1 The interims were sought with the aid of interim agencies, and thorough interviews were conducted with the recommended candidates. The ratification of the proposed interim appointments will ensure that the Authority can fulfil its statutory duties until permanent appointments are secured.

Advice given by: Alex Holly, Head of People and Assets

West of England Combined Authority Contact:

Any person seeking background information relating to this item should seek the assistance of the contact officer for the meeting who is Ian Hird on 07436 600313; or by writing to West of England Combined Authority, 3 Rivergate, Temple Quay, Bristol BS1 6EW; email: democratic.services@westofengland-ca.gov.uk