

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

DATE: 6TH OCTOBER 2023

REPORT TITLE: APPOINTMENT OF INTERIM S73 OFFICER

DIRECTOR: RICHARD ENNIS, INTERIM CHIEF EXECUTIVE

AUTHOR: ALEX HOLLY, HEAD OF PEOPLE AND ASSETS

1. Purpose of Report

- 1.1 To seek the Committee's formal endorsement of the appointment of an Interim Director of Investment and Corporate Services (Section 73 Officer).

2. Recommendations

- 2.1 **Recommendation 1:** The Committee endorses the appointment of Rachel Musson as Interim Director of Investment and Corporate Services (Section 73 Officer).

3. Background / Issues for Consideration

- 3.1 Under S73 of the Local Government Act 1985 the Mayoral Combined Authority is required to appoint an Officer to be responsible for the proper administration of its financial affairs. Stephen Fitzgerald, the previous interim Director of Investment and Corporate Services (Section 73 Officer) left the Mayoral Combined Authority on 14th September 2023.
- 3.2 On Tuesday 15th August 2023, Rachel Musson was interviewed by the Interim Chief Executive and the Head of People and Assets, to replace Stephen Fitzgerald on an interim basis pending the outcome of the permanent recruitment process for the role. Rachel has significant experience as a senior Finance Director and Statutory Finance Officer.
- 3.3 One other candidate was interviewed on Monday 14th August, but was not felt to be as strong a candidate for the role.
- 3.4 Rachel commenced in post on 29th August 2023, as the previous interim had a period of leave prior to departure.

- 3.5 Since this is a statutory role, ratification by the West of England Mayoral Combined Authority Committee is necessary. However, as there was no Committee meeting until 6th October 2023, the Interim Chief Executive took an urgent decision on 29th August 2023, following consultation with the Metro Mayor, to appoint Rachel Musson as the Statutory Section 73 Officer. This decision was taken under the urgency provisions in paragraphs 1.4 on page A24 of the West of England Mayoral Combined Authority's constitution, which authorises the Chief Executive:

"In cases of emergency, to take any decision on behalf of the Combined Authority (after consultation with the Mayor)".

- 3.6 It is now necessary for Committee to formally ratify the urgent decision taken by the Interim Chief Executive.
- 3.7 The recommendation for Committee is therefore to formally ratify Rachel Musson as the West of England Mayoral Combined Authority's Director of Investment and Corporate Services (Section 73 Officer).
- 3.8 The process for appointing this role permanently is underway, and the Employment and Appointments Committee stage to finalise the process is taking place on 16th October 2023.

4. Risk Management/Assessment

- 4.1 The Mayoral Combined Authority is required to appoint a Section 73 Officer. The endorsement of the recommendation outlined in this report will ensure the Authority's continued legal compliance, and will also ensure this essential role is covered at a crucial time for the Authority.

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

- 5.1 The financial implications associated with agreeing the recommendations can be covered from within the existing revenue budget for 2023/24.

Advice given by: Selonge Russell, Head of Finance (Deputy Section 73 Officer)

6 Legal Implications:

- 6.1 It is a statutory requirement to fill the role. Urgency Powers were used appropriately to ensure cover was in place from the departure of the previous s73 Officer until the Committee on 6th October 2023.

Advice given by: Daniel Dickinson, Interim Director of Law and Governance

7 Human Resources Implications:

- 7.1 The interim was sought with the aid of an interim agency, and a thorough interview was conducted with the recommended candidate. The ratification of the proposed interim appointment will ensure that the Authority can continue to deliver its requirements until a permanent appointment is secured.

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