REPORT SUMMARY SHEET

TITLE: Appointment of Interim s151 Officer and Interim Deputy s151 Officer

Purpose

To appoint an Interim s151 Officer and designate an Interim Deputy s151 Officer to ensure statutory compliance with CJC regulations.

Summary

The report sets out the details of an interim appointment ahead of a full recruitment and selection process to begin imminently.

Recommendation

- *approves the appointment of Christopher Bradshaw as Interim s151 Officer of the SEWCJC and Hrjinder Singh as Interim Deputy s151 Officer with effect from 29 January 2024 and until such time as the external recruitment process concludes for a permanent appointment.*

Contact Officer

Kellie Beirne
Interim Chief Executive

South East Wales Corporate Joint Committee

Cyd-bwyllgor corfforaethol De-Dwyrain Cymru

29th JANUARY 2024

APPOINTMENT OF INTERIM SECTION 151 OFFICER

REPORT OF THE INTERIM CHIEF EXECUTIVE

AGENDA ITEM 4

Reasons for report

1. To seek approval for the appointment of an Interim Section 151 Officer and Interim Deputy Section 151 Officer for the Corporate Joint Committee.

Background

2. The CJC currently has arrangements in place with Cardiff Council for the provision of its statutory Section 151 Officer role, in accordance with the requirements under the Local Government Act 1972, which requires proper arrangements for the administration of financial affairs. Christopher Lee was appointed Interim s151 Officer for the CJC on 31 January 2022.

3. Cardiff Capital Region City Deal (CCRCD) is supported and administered through arrangements with Cardiff Council to provide lead, or accountable body support in respect of all statutory functions. This arrangement has been in place since 2017 and Chris Lee, as Cardiff Council Corporate Director for Resources and S151 Officer, has enacted the role of s151 Officer for CCRCD since his appointment to Cardiff Council in 2018.

4. In view of the policy position adopted by the Cardiff Capital Region to 'lift and shift' the City Deal into the new corporate legal entity that is the SEW Corporate Joint Committee, arrangements, such as contractual and funding agreements, are in the process of transferring from Cardiff Council to CJC. This presents a number of issues and challenges to the s151 role and the distinctive corporate contexts in which the functions apply. As the enactment of 'lift and shift' progresses towards the target operational date of 1 April 2024, and as contracts and agreements are novated, it is important the main corporate interests are managed without potential for conflict or conflation of what must now become, separate and distinct roles and responsibilities. To that end, it is recommended that Chris Lee continue to act as s151 officer for CCRCD until 'lift and shift' but step down as s151 officer for the CJC, in order that appropriate separation be maintained between those two roles during the transitional period.

5. Whilst the SEWCJC will need to appoint its own statutory officers, including a new Director of Resources (which includes the s151 role) as part of a new Executive Team – proposals for which were approved by the CJC on 4 December 2023 – this is unlikely to happen in the timescale in which the role is needed, and in particular through the next crucial weeks and months, leading up to transfer.

6. The role of s151 Officer has to be undertaken by an individual with a recognised relevant professional accountancy qualification and a current membership of a relevant professional body. The Interim Chief Executive has consulted with Chief Executives of the constituent Councils, and it has not been feasible for one of the existing s151 Officers to provide the role, even on a part-time basis, at this time.

7. A suitably qualified external Interim s151 Officer has been sourced. Christopher Bradshaw is due to join the SEW CJC on a temporary basis and until such time as a permanent appointment is made via an external recruitment process. In the interim, it is proposed that Christopher Bradshaw be designated as the CJC's Interim S151 Officer and that the CJC's current Head of Finance, Risk and Assurance act as Interim Deputy S151 Officer.

8. Christopher Bradshaw possesses the relevant professional qualifications; has been a qualified chartered accountant for 32 years and possesses membership of an accredited professional body. Pre-retirement, Christopher held the role of Chief Executive of Rhondda Cynon Taf County Borough Council and has previously held senior management roles at Price Watehouse Coopers encompassing a number of both public and private sector audit clients.

9. In order to provide Christoper with appropriate support, and the CJC with continuity and resilience, it is proposed that the current Head of Finance, Risk and Assurance, Hrjinder Singh, be appointed as the CJC's Interim Deputy S151 Officer, also until such time as a permanent appointment has been made. Hrjinder is a qualified accountant member of the Chartered Institute of Public Finance and Accountancy (CIPFA).

Reason for recommendations

10. To comply with the statutory requirement to designate a s151 Officer.

Financial implications

11. The report to the Corporate Joint Committee Board of 4th December secured approval for the direct appointment of a CJC Executive Team, inclusive of statutory officer positions, to oversee the requirements of both the CCRCD and the CJC as a single independent entity from the 1st April 2024.

12. The senior leadership structure as set out in that report will ensure continued support to CCRCD and the CJC in place of the existing arrangements and associated service level agreements where services have been bought in from statutory officers in existing Local Authorities and under the terms of the Joint Working Agreement. These arrangements have previously also included interim appointments to the CJC statutory officer positions.

13. As set out in the December report, this Executive Team will include a Director of Resources/S151 Officer post with a current spot point salary of £95,474 (£125,915 inclusive of on-costs).

14. The cost of this is proposed as part of the overall staffing budget envelope approved for 2023/24 and the proposed operating envelope for 2024/25 as detailed within the 2024/25 CJC Budget Report which is also on this agenda.

15. This report seeks approval to appoint an interim Director of Resources/S151 Officer for the CJC on a temporary basis and ahead of a planned permanent recruitment process which will necessarily take some time to complete. This interim arrangement is considered essential to ensure that statutory responsibilities continue to be managed appropriately and that there are no conflicts of interest as the legal processes of novation and lift and shift are enacted.

16. The interim arrangement proposed also provides for a Deputy S151 Officer, the costs of which will also be funded within the current and proposed revenue budgets.

Legal implications

17. Section 151 of the Local Government Act 1972 requires the corporate joint committee to make arrangements for the proper administration of its financial affairs and secure that one of its officers has responsibility for the administration of those affairs (the s.151 Officer). The recommendations in this report will ensure that the CJC is meeting its statutory obligation.

18. In relation to the proposed interim arrangements for discharging the statutory functions of the S151 Officer, caselaw confirms that the term ‘officer’ is not restricted to permanent employees and may include a locum, agency worker or specialist consultant.

Recommendations

19. It is recommended that the SEW CJC:

(1) notes that Christopher Lee is to step down as Interim s151 Officer for the SEWCJC with effect from 29 January 2024;

(2) approves the appointment of Christopher Bradshaw as Interim s151 Officer for the SEWCJC with effect from 29 January 2024 and until such time as a permanent appointment to the post is made;

(3) approves the appointment of Hrjinder Singh as Interim Deputy s151 Officer of the SEWCJC with effect from 29 January 2024 and until such time as a permanent appointment to the post is made.

Kellie Beirne

Interim Chief Executive

South East Wales Corporate Joint Committee

29 January 2024

Future Generations Assessment

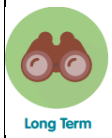
Name of the Officer completing the evaluation: **Kellie Beirne** **Phone no: 07826 9219286** **E-mail: kellie.beirne@cardiff.gov.uk**	**Please give a brief description of the aims of the proposal: to appoint to interim statutory S151 roles**
Proposal: Appointment of Interim S151 and Deputy S151 Officers	**Date Future Generations Evaluation form completed: 22 January 2024**

1. **Does your proposal deliver any of the well-being goals below?** Please explain the impact (positive and negative) you expect, together with suggestions of how to mitigate negative impacts or better contribute to the goal.

Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
A prosperous Wales Efficient use of resources, skilled, educated people, generates wealth, provides jobs	The work relates to mobilizing the necessary Executive Team and statutory officers required for the SEWCJC.	The post, will be imminently publicly marketed through a competitive market exercise.
A resilient Wales Maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change)	The report relates to an urgent staffing matter that will help fulfil the requirements of the SEWCJC particularly in relation to new statutory duties such as Biodiversity Policy.	

Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
A healthier Wales People's physical and mental wellbeing is maximized and health impacts are understood	As above – the report deals with an urgent staffing matter and in so doing contributes to realization of CJC's goals and objects.	
A Wales of cohesive communities Communities are attractive, viable, safe and well connected	As above	
A globally responsible Wales Taking account of impact on global well-being when considering local social, economic and environmental wellbeing	As above	
A Wales of vibrant culture and thriving Welsh language Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation	As above.	
A more equal Wales People can fulfil their potential no matter what their background or circumstances	As above.	

2. How has your proposal embedded and prioritized the sustainable governance principles in its development?

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
 Balancing short term need with long term and planning for the future	The short-term need for statutory officers must be urgently met in accordance with CJC legislation.	Permanent posts will be recruited to imminently.
Working together with other partners to deliver objectives	The role of s151 is critical to engaging wide range of partners across sectors and institutions.	
Involving those with an interest and seeking their views	As above	
Putting resources into preventing problems occurring or getting worse	As above and relflected in the policy position and aims and missions adopted for the CJC and through the Regional Economic and Indsutrial Plan	
Considering impact on all wellbeing goals together and on other bodies	Outcome focused reporting and accountability will be key and via the requirements around economic wellbeing.	

3. Are your proposals going to affect any people or groups of people with protected characteristics? Please explain the impact, the evidence you have used and any action you are taking below.

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Age	The proposal relates to an urgent need to fulfil a statutory post		The post will be marketed in line with the principles of draft Public Sector Equality Duty in order to ensure opportunity for all.
Disability	As above	As above	As above.
Gender reassignment	As above	As above	As above.
Marriage or civil partnership	As above	As above	As above.
Pregnancy or maternity	As above	As above	As above.
Race	As above	As above	As above.
Religion or Belief	As above	As above	As above.
Sex	As above	As above	As above.
Sexual Orientation	As above	As above	As above.
Welsh Language	As above	As above	As above.

4. Safeguarding & Corporate Parenting. Are your proposals going to affect either of these responsibilities?

	Describe any positive impacts your proposal has on safeguarding and corporate parenting	**Describe any negative impacts your proposal has on safeguarding and corporate parenting**	**What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?**
Safeguarding	Not directly relevant –however, building the future economy should have a profoundly positive impact on ability to safeguard the future of our residents		
Corporate Parenting	One of main corporate duties of CJC is to prepare a Child Poverty Strategy..		

5. What evidence and data has informed the development of your proposal?

As above.

6. SUMMARY: As a result of completing this form, what are the main positive and negative impacts of your proposal, how have they informed/changed the development of the proposal so far and what will you be doing in future?

To be reviewed at appointment of full time permanent S151 post

7. MONITORING: The impacts of this proposal will need to be monitored and reviewed. Please specify the date at which you will evaluate the impact, and where you will report the results of the review.

The impacts of this proposal will be evaluated on:	**Spring 2024**