

# **Westmorland and Furness Shadow Authority Meeting**

**17 May 2022**

## **Interim Statutory Roles**

**Report from:** Nicola Houwayek  
**Report Author:** LGR Technical Lead, OD&HR Workstream  
**Wards:** All wards  
**Key Decision:** No

### **1.0 Purpose/Summary of report**

1.1 Process and appointment of the Interim Statutory Officers to the Westmorland and Furness Shadow Authority.

1.2 The Structural Change Order requires that at the first meeting of the Shadow Authority, Members designate interim statutory officers for the shadow period to the roles of:

- Interim Head of Paid Service
- Interim Monitoring Officer
- Interim Chief Finance Officer

1.3 At its meeting on 29 March 2022 the Westmorland and Furness Joint Committee agreed the process and principles for the appointments process to these roles and subsequently carried out a recruitment exercise which has resulted in recommendations to the Shadow Authority. This report outlines the process that has been undertaken and the recommended candidates.

### **2.0 Recommendation**

**2.1 It is recommended that the Shadow Authority:-**

**(1) Approves the designation of the nominated interim statutory officers with immediate effect; namely:**

- **Interim Head of Paid Service – Sam Plum, Chief Executive Barrow Borough Council**
- **Interim Monitoring Officer – Linda Fisher, Legal, Governance & Democracy Lead Specialist/Monitoring Officer, South Lakeland District Council**
- **Interim Chief Finance Officer - Helen Smith, Finance Lead Specialist (s151 Officer), South Lakeland District Council**

### **3.0 Background and Proposals**

- 3.1 On 29 March 2022, the Westmorland and Furness Joint Committee received a report from the LGR Technical Lead for the OD&HR Workstream regarding the designation of the interim statutory officers for the Shadow period to 1 April 2023.
- 3.2 The report referenced the requirement, as stated in the Structural Change Order, that at the first meeting of the Shadow Authority, Members designate interim statutory officers for the shadow period, to the roles of:
- Interim Head of Paid Service
  - Interim Monitoring Officer
  - Interim Chief Finance Officer
- 3.3 The Structural Change Order also specifies that these interim roles be assigned to officers of the County Council or one of the District Councils in the area of Westmorland and Furness.
- 3.4 On 29 March, the Westmorland and Furness Joint Committee agreed the appointments process for the Interim Statutory Officers and that nominated members of the Joint Committee would act as panel members for the interviews, making a recommendation for nominated candidates to the third meeting of the Joint Committee on 10 May 2022.
- 3.5 This report sets out the process that was undertaken for the Shadow Authority to meet the requirements of the Structural Change Order to designate interim statutory officers. This includes:
- Defining the roles in the context of the Shadow Authority
  - Developing objective selection criteria
  - Designing a proportionate selection process, recognising that these are interim roles
- 3.6 Interviews for the three roles took place between 20 – 22 April 2022.
- 3.7 The substantive roles will be subject to a separate recruitment process, the first of which is the Chief Executive post, which will commence as soon as the Shadow Authority is in place.
- 3.8 As required by the Structural Change Order, interim statutory roles for the Shadow Authority will be taken up by existing officers of the Westmorland and Furness area councils. Once designated, the individuals will continue to operate in their substantive posts, and it is envisaged that the amount of time needed for their interim responsibilities will vary throughout the duration of the programme.

- 3.9 The Structural Change Order references specific legislation and indicative responsibilities for each statutory role. These have been developed into detailed role profiles and person specs, as set out in Appendix 1 to this report.
- 3.10 The roles will be in operation from the establishment of the Shadow Authority to 1 April 2023 or until a person to perform those functions on a permanent basis is appointed and takes up that appointment. The duration of individual interim roles will potentially be longer in the case of the Monitoring Officer and Section 151 Officer than Head of Paid Service.
- 3.11 It was made clear that these time limited roles are different from their substantive equivalents in the new council and that it should therefore not be assumed that any individual selected for an interim post will automatically be successful should they also apply for the substantive role.
- 3.12 It was agreed by the Joint Committee to widen the field of selection, so that the opportunities were open to all officers of the relevant Councils who have the required experience, skills and qualifications.
- 3.13 A proportionate selection process was designed, recognising that these are interim roles of limited duration. The process consisted of:
- Expressions of interest submitted where applicants were asked which of the roles they wished to be considered for and answering the following questions:
    - Why are you applying and what can you bring to the role(s)?
    - How will you balance the demands of the interim role with your substantive role to ensure that you successfully contribute to both the formation of the new council and ensure business as usual within your existing authority?
  - Panel interviews were set-up with membership consisting of the 4 nominated representatives of the Joint Committee, assisted by Sharon Senior of NW Employers and Nicola Houwayek, LGR Technical Lead for the OD&HR Workstream. At the panel interview, candidates were also asked to give a presentation.
- 3.14 The panel agreed their nominated candidates which, at the time of writing this report, were to be presented to the Joint Committee at its meeting of 10 May to be agreed as the nominated candidates to put before the Shadow Authority.
- 3.15 The candidates nominated by the representative panel members are as follows:
- Interim Head of Paid Service – Sam Plum, Chief Executive Barrow Borough Council

- Interim Monitoring Officer – Linda Fisher, Legal, Governance & Democracy Lead Specialist/Monitoring Officer, South Lakeland District Council
- Interim Chief Finance Officer - Helen Smith, Finance Lead Specialist (s151 Officer), South Lakeland District Council

#### **4.0 Consultation**

4.1 No consultation was required in the production of this report.

#### **5.0 Alternative Options**

5.1 Members could designate an alternative officer who has not been recommended by the Joint Committee to any of the interim roles. This is not advised as there would be human resources implications and it would not be in line with the process adopted for selection.

#### **6.0 Implications**

##### **Financial, Resources and Procurement**

6.1 None at this stage

##### **Human Resources**

6.2 As the designated responsibilities of these roles are in addition to those of the nominated candidates' substantive positions, arrangements will be made to ensure that the responsibilities of both roles can be fulfilled through delegation and backfill as required within the relevant sovereign council.

##### **Legal**

6.3 The Westmorland and Furness Shadow Authority is required to designate the statutory responsibilities of the roles against these interim statutory roles in order to meet the requirements outlined in The Cumbria (Structural Changes) Order 2022

6.4 The Cumbria (Structural Changes) Order 2022 requires that at its first meeting, the Shadow Authority for Westmorland and Furness must designate on an interim basis an officer to be responsible for performing the duties of each of the statutory roles listed in this report.

6.5 The officer designated to perform the duties must be an officer of the Councils that form the Westmorland and Furness Shadow Authority.

6.6 A fair process has been followed to ensure selection of the nominated candidates for appointment in accordance with legal requirements.

## Health and Sustainability Impact Assessment

6.9 Have you completed a Health and Sustainability Impact Assessment?  
No

6.10 If you have not completed an Impact Assessment, please explain your reasons: There are no direct health and sustainability issues relating to this report.

## Equality and Diversity

6.11 Have you completed an Equality Impact Analysis? No

6.12 If you have not completed an Impact Analysis, please explain your reasons: There are no direct Equality and Diversity issues relating to this report.

## Contact Officers

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## Appendices Attached to this Report

Appendix No.	Name of Appendix
1	Role Descriptions

## Background Documents Available

Name of Background document	
Reports and minutes of the Joint Committee meetings of 29 March and 10 May.	<a href="#">Westmorland &amp; Furness, Joint Committee Papers</a>

## **Interim Head of Paid Service**

### **Job Description**

#### **Purpose**

To ensure the smooth continuance and delivery of the LGR Programme for the Westmorland & Furness Council area, enabling the successful transition to the new Council.

#### **Key Responsibilities**

1. Accountable for the delivery of the LGR Programme in Westmorland & Furness area, sitting on the LGR Programme Board.
2. Lead and manage the Westmorland & Furness Shadow Management Team including the Interim Chief Finance Officer, Interim Monitoring Officer.
3. Lead the development and delivery of the Implementation Plan for the Westmorland & Furness Council area, liaising with the County Council and other Shadow Authority to ensure continuity of the delivery of public services on and after 1 April 2023.
4. Build effective working relationships with Elected Members and senior officers within the constituent authorities and national policy makers.
5. Exert influence at the most senior levels across the constituent authorities when necessary to overcome potential barriers/issues to ensure the delivery of the Programme.
6. Represent the Programme in the Westmorland & Furness area through a visible presence and be responsible for regular and appropriate communications to constituent authorities, Government, Local MP's and the Department for Levelling Up, Housing and Communities and Local Government regarding the Programme's progress.
7. Establish options for potential operating models for the new Westmorland & Furness Council in consultation with the constituent authorities.
8. Where he or she considers it appropriate, prepare a report to the Shadow Authority setting out his or her proposal for:
  - The manner in which the discharge by the Shadow Authorities of their different functions is coordinated
  - The number and grades of staff required for the discharge of these functions
  - Organisation of the Shadow Authority's staff
  - Appointment and proper management of the Shadow Authority's staff

9. Where, during the shadow period, a casual vacancy occurs in the office of councillor for Westmorland & Furness area and an election is required to be held in accordance with section 89 of the 1972 Act, to be the returning officer in accordance with article 21(12)(c) of the Cumbria Structural Change Order 2022. The Head of Paid Service can appoint one or more deputies to discharge any or all of the functions of the Returning Officer.

## **Person Specification**

### Qualifications

- A degree or relevant professional qualification.
- Evidence of work related continuing managerial and professional development.

### Specialist Knowledge & Experience

- Substantial leadership and managerial experience and skills gained at a senior level, including contributing to the corporate management of an organisation.
- Track record of promoting, leading and managing change.
- Substantial experience of successfully working with Elected or Board Members on complex issues, and the ability to work productively and closely with Members and provide clear advice on policy options.
- A successful track record in corporate performance management and participation in the formulation of corporate objectives, policies and strategies within a large multi-disciplined organisation with comparable scope, responsibilities, budgets and resources.
- Track record of operating strategically on corporate projects and policy development.
- The ability to think creatively and innovatively in developing, recommending and leading strategic initiatives and policies to assist in the achievement of organisational goals
- The ability to work corporately and manage resources effectively in a complex environment, including the ability to interpret and understand complex financial and budgetary information, and to negotiate and influence to direct resources
- Demonstrable experience of partnership working, including the ability to influence and lead corporate and multi-agency projects and initiatives effectively.
- Demonstrable experience of taking difficult or contentious decisions and the ability to constructively manage conflict
- In-depth knowledge and understanding of the statutory, policy, strategic and service delivery framework in which local government operates, and the major issues facing local government.
- Experience of influencing Government Departments and Ministers.

## Personal Attributes

- A high degree of political awareness and sensitivity and commitment to working closely with all councillors, local organisations and communities
- Highly developed diplomatic skills, particularly in motivating, negotiating and persuading others outside the span of control, including partner organisations
- Actively promotes the need for change and acts as a role model for change.
- Positive, committed, adaptable, robust and confident approach.
- Ability to work under pressure and to motivate others to work quickly, without undue stress, and demonstrate a duty of care.
- Innovative and creative approach to change.
- Personal integrity.
- Drive and self-motivation – “can do” attitude.
- Sound judgement in devising and evaluating options and dealing with complex issues.



## **Interim Monitoring Officer**

### **Job Description**

#### **Purpose**

As a member of the Westmorland and Furness Shadow Management Team, being responsible for the Monitoring Officer responsibilities in Westmorland and Furness area.

#### **Key Responsibilities**

Take overall accountability for the probity of the Shadow Authority by carrying out the statutory responsibilities as Monitoring Officer, the duties imposed by:

- Subsections (2) and (3) of the section 5 (designation and reports of monitoring officer) of the 1989 Act; and
- Subsections (2) and (5) of section 5A of the 1989 Act (reports of monitoring officer – local authorities operating executive arrangements);

and as follows:

- (a) Decision-making: Ensures all decisions taken by members and officers are lawful.
  - (b) The Constitution: Responsibility for the design, implementation and maintenance of the Council's Constitution including the Full Council Procedural Rules, the schemes of delegation/scrutiny/ and partnership arrangements - in accordance with the requirements of the members, ensuring legal requirements are met.
  - (c) Proper Officer for access to information: Ensures that member decisions (and officer decisions where required), together with the reasons for those decisions (as required) and relevant Officer reports and background papers are properly recorded and made publicly available as soon as possible and retained for public access in accordance with legislative requirements.
  - (d) Provides high level advice and guidance to the Shadow Executive Committee and Westmorland and Furness Shadow Management Team on the scope of powers and authority to take decisions, maladministration, financial impropriety (in conjunction with the Interim Section 151 Officer), standards and probity and Budget and Policy Framework issues.
10. Responsible for ensuring the appropriate administration of advice to meetings of the Shadow Authority, including the Executive.
11. Provides 'trouble shooting' expertise to the Shadow Executive Committee and Westmorland and Furness Shadow Management Team as necessary where expert knowledge and sound interpretation of democratic processes, statutory

guidance and/or Constitution of the Council is vital to the resolution of issues/problems.

12. Lead Officer for the management of the Shadow Authority's Strategic Risk Register, its operational risk registers and ensuring that action to mitigate risk is taken across all services.

13. Lead officer for ensuring that appropriate impact assessments in support of decision-making are prepared and published ensuring that all statutory requirements are met.

## **Person Specification**

### Qualifications

- Relevant degree or professional qualification.
- Evidence of work related continuing managerial and professional development.

### Specialist Knowledge & Experience

- Extensive experience of providing strategic legal advice to a large and diverse organisation.
- A successful track record in corporate performance management and participation in the formulation of corporate objectives, policies and strategies within a large multi-disciplined organisation with comparable scope, responsibilities, budgets and resources.
- Substantial leadership and managerial experience and skills gained at a senior level, including contributing to the corporate management of an organisation.
- Track record of promoting, leading and managing change.
- Significant experience of successfully working with Elected or Board Members on complex issues, and the ability to work productively and closely with Members and provide clear advice on policy options.
- Track record of operating strategically on corporate projects and policy development.
- Demonstrable experience of partnership working, including the ability to influence and lead corporate and multi-agency projects and initiatives effectively.
- In-depth knowledge and understanding of the statutory, policy, strategic and service delivery framework in which local government operates, and the major issues facing local government.

### Personal Attributes

- Actively promotes the need for change and acts as a role model for change.
- Positive, committed, adaptable, robust and confident approach.

- Ability to work under pressure and to motivate others to work quickly, without undue stress, and demonstrate a duty of care.
- Innovative and creative approach to change.
- Personal integrity.
- Drive and self-motivation – “can do” attitude.
- Sound judgement in devising and evaluating options and dealing with complex issues.

## **Interim Chief Finance Officer**

### **Job Description**

#### **Purpose**

As a member of the Westmorland and Furness Shadow Management Team, being responsible for the budget in Westmorland and Furness area, and for developing and delivering the financial aspects of the Implementation Plan for Westmorland and Furness area, establishing proper arrangements for the administration of the new Council's financial affairs.

#### **Key Responsibilities**

1. Take overall accountability for the financial probity of the Shadow Authority by carrying out the statutory responsibilities under S151 of the Local Government Act for the proper conduct of the Authority's financial activities.
2. Provide the Shadow Executive Committee and Westmorland and Furness Shadow Management Team with robust strategic financial analysis and advice on the effective allocation of resources.
3. Ensure the establishment of the new Council's Medium Term Financial Plan and Annual Budget for 2023/24.
4. Ensure that appropriate financial standards and processes for the new Council are in place and operational through the development of the following:
  - The Medium-Term Financial Planning and Budget Setting Process
  - Financial Regulations and Procedures
  - Contract Management Framework
  - Procurement Strategy
  - Risk Management Strategy
  - Treasury Management Strategy
  - Anti-Fraud, Bribery and Corruption Policy
  - Money Laundering Policy
  - The Budget Management Framework
  - Annual Audit Plan
  - Debt Management Strategy
  - Council Tax Benefit Scheme
  - Business Rate Scheme
  - Capital Strategy
  - Corporate Debt Policy

## **Person Specification**

### Qualifications

- Relevant degree or professional qualification.
- Evidence of work related continuing managerial and professional development.
- Membership of a recognised accountancy body specified in s.113 of the Local Government Finance Act 1988.

### Specialist Knowledge & Experience

- Extensive experience of managing, setting and monitoring budgets and financial management information, including developing and using management information.
- A successful track record in corporate performance management and participation in the formulation of corporate objectives, policies and strategies within a large multi-disciplined organisation with comparable scope, responsibilities, budgets and resources.
- Substantial leadership and managerial experience and skills gained at a senior level, including contributing to the corporate management of an organisation.
- Track record of promoting, leading and managing change.
- Significant experience of successfully working with Elected or Board Members on complex issues, and the ability to work productively and closely with Members and provide clear advice on policy options.
- Track record of operating strategically on corporate projects and policy development.
- Demonstrable experience of partnership working, including the ability to influence and lead corporate and multi-agency projects and initiatives effectively.
- Understanding of Government Accounting with a demonstrable level of commercial acumen.
- Knowledge of effective and innovative financial planning and controls across a diverse organisation.
- In-depth knowledge and understanding of the statutory, policy, strategic and service delivery framework in which local government operates, and the major issues facing local government.

### Personal Attributes

- Actively promotes the need for change and acts as a role model for change.
- Positive, committed, adaptable, robust and confident approach.
- Ability to work under pressure and to motivate others to work quickly, without undue stress, and demonstrate a duty of care.
- Innovative and creative approach to change.
- Personal integrity.

- Drive and self-motivation – “can do” attitude.
- Sound judgement in devising and evaluating options and dealing with complex issues.