
NORTH AYRSHIRE COUNCIL

23 September 2020

North Ayrshire Council

Title: Appointment of Statutory Officers- Chief Finance Officer and Chief Planning Officer

Purpose: To approve the appointments of the Head of Service (Finance) as Chief Financial or Section 95 Officer, and the Senior Planning Services Manager as Chief Planning Officer, and to amend the Scheme of Delegation to Officers to reallocate functions previously delegated to the Executive Director (Finance and Corporate Support).

Recommendation: To (1) approve the appointment of Mr Mark Boyd, Head of Service (Finance) as Chief Financial or Section 95 Officer in terms of Section 95 of the Local Government (Scotland) Act 1973; (2) to note the appointment of Mr James Miller, Senior Manager (Planning) as interim Chief Planning Officer and to agree to appoint Mr Miller to the post of Chief Planning Officer when section 50 of the Planning (Scotland) Act 2019 is brought into force, (3) to agree that the Financial Regulations are updated to refer to the appointment of the Head of Service (Finance) as Chief Financial or Section 95 Officer and (4) agree to amend the Scheme of Delegation to Officers to delegate functions previously delegated to the Executive Director (Finance and Corporate Support) to the Heads of Service for Finance, People and ICT, and Recovery and Renewal as set out in paragraph 2.3

1. Executive Summary

1.1 The Council is obliged by section 95 of the Local Government (Scotland) Act 1973 to appoint a Chief Financial or Section 95 Officer. Following the retirement of the previous postholder, this report seeks to appoint a replacement. It also makes changes to the Scheme of Delegation to Officers which arise from the deletion of the post of Executive Director (Finance and Corporate Support).

1.2 Section 50 of the Planning (Scotland) Act 2019 also introduces a new statutory officer post of Chief Planning Officer. This report seeks to appoint that officer

2. Background

- 2.1 In terms of Section 95 of the Local Government (Scotland) Act 1973 a local authority is required to make arrangements for the proper administration of their financial affairs. It is also required to secure that a Proper Officer of the authority has responsibility for the administration of those affairs. This post is known as the Chief Financial or Section 95 Officer. The duties of this post are set out in Section 11 of the Council's Scheme of Delegation to Officers.
- 2.2 Previously this post was held by Laura Friel as Executive Director (Finance and Corporate Support). On her retirement, this Executive Director post was deleted from the Council's establishment. The post which now has responsibility for the Council's financial affairs is the Head of Service (Finance), the postholder for which is Mark Boyd.
- 2.3 The Council's Scheme of Delegation to Officers currently delegates certain functions, including finance functions, to the Executive Director (Finance and Corporate Support). While a full review of the Scheme of Delegation will be brought to Council later in the year as part of the annual review of Governance Documents, in the interim it is recommended that Council agree that the delegations to the former Executive Director (Finance and Corporate Support) which are contained in Section 6 of the Scheme of Delegation to Officers, are amended as follows:-
- To the Head of Service (Finance) – the functions of Finance, Treasury Management, Procurement, Revenue, Health and Safety, Insurance, Audit
 - To the Head of Service (People & ICT) -the functions of People Services, IT and Digital, Customer Services, Benefits and Council Tax
 - To the Head of Service (Recovery and Renewal)- The functions of Transformational Change, Risk and Business Continuity
- 2.4 If Council confirms the appointment of the Head of Service (Finance) as Chief Financial or Section 95 Officer, the Council's Financial Regulations would also require to be updated to refer to this appointment.
- 2.5 The statutory post of Chief Planning Officer is new, introduced by Section 50 of the Planning (Scotland) Act 2019. The role of the post is to advise about the carrying out of functions conferred by the Planning Acts, or functions which relate to development. The aim is to help ensure that the spatial consequences of corporate service delivery and investment are considered as an integral part of the Council's strategic decision-making processes. This helps ensure that the development and land use implications of decisions are anticipated and planned for.
- 2.6 While the Planning (Scotland) Act 2019 received Royal Assent on 25th July 2019, the requirement to appoint a Chief Planning Officer is not yet in force. Nevertheless, as the rationale and need for the post is current, it would be beneficial to make an appointment immediately. On that basis, James Miller, Senior Manager (Planning) has been appointed to the post on an interim basis. It is recommended that Council notes this interim appointment and agrees to appoint Mr Miller to the post of Chief Planning Officer when the legislation is brought into force.

3. Proposals

- 3.1 It is recommended that Council agree to (1) approve the appointment of Mr Mark Boyd, Head of Service (Finance) as Chief Financial or Section 95 Officer in terms of Section 95 of the Local Government (Scotland) Act 1973; (2) to note the appointment of Mr James Miller, Senior Manager (Planning) as interim Chief Planning Officer and to agree to appoint Mr Miller to the post of Chief Planning Officer when section 50 of the Planning (Scotland) Act 2019 is brought into force, (3) to agree that the Financial Regulations are updated to refer to the appointment of the Head of Service (Finance) as Chief Financial or Section 95 Officer and (4) to agree to amend the Scheme of Delegation to Officers to delegate functions previously delegated to the Executive Director (Finance and Corporate Support) to the Heads of Service for Finance, People and ICT, and Recovery and Renewal as set out in paragraph 2.3

4. Implications/Socio-economic Duty

Financial

- 4.1 The Council has a statutory duty to appoint a Chief Financial or Section 95 Officer who has responsibility for the proper administration of the Council's financial affairs.

Human Resources

- 4.2 It is important to clarify the destination of delegations formerly held by the Executive Director

Legal

- 4.3 The Council has a statutory duty to appoint a Chief Financial or Section 95 Officer who has responsibility for the proper administration of the Council's financial affairs. It is expected that the duty under section 50 of the Planning (Scotland) Act 2019 to appoint a Chief Planning Officer will come into force soon.

Equality/Socio-economic

- 4.4 There are no significant equalities, socio-economic or island-proofing impacts.

Environmental and Sustainability

- 4.5 The appointment of a Chief Planning Officer should bring greater focus to issues of place and spatial planning, integral to which are use and impacts on the environment, as well as sustainability.

Key Priorities

- 4.6 The role of both appointments is far wider than either finance or planning, and these posts will support all of the Council's priorities

Community Wealth Building

4.7 There are no direct implications although the work of both officers will be key to supporting community wealth building in areas such as procurement, inclusive growth and land use.

5. Consultation

5.1 There has been consultation with the relevant officers

Andrew Fraser
Head of Democratic Services

For further information please contact Andrew Fraser, **Head of Democratic Services**, on **01294 324125**.

Background Papers

1- Scheme of Delegation to Officers