

ITEM: 13

**REPORT TO: WEST OF ENGLAND COMBINED AUTHORITY (WECA)
COMMITTEE**

DATE: 27th JULY 2018

REPORT TITLE: RATIFICATION OF STATUTORY APPOINTMENT

AUTHOR: ALEX HOLLY, HEAD OF HUMAN RESOURCES

1. Purpose of Report

- 1.1 For the WECA Committee to formally ratify the appointment of Malcolm Coe as the Section 151 Officer for the West of England Combined Authority.
- 1.2 For the WECA Committee to note that Tim Richens remains the Section 151 Officer for the West of England Combined Authority until Malcolm Coe formally commences in post.

2. Issues for Consideration

- 2.1 All Director-level appointments to WECA are required to be conducted by the Appointments Committee, consisting of the West of England Mayor and the Leaders of the three constituent Authorities (or their nominated representatives).
- 2.2 This paper concerns the Director of Investment and Corporate Services, the responsibilities for which also includes the Statutory Section 151 Officer under the Local Government and Housing Act 1989.
- 2.3 While the Appointments Committee can make the appointment to the Director-level posts, any statutory elements of the posts, in this case the statutory Section 151 element of the Director of Investment and Corporate Services, require formal ratification by the WECA Committee in line with the constitution.
- 2.4 The post of Director of Investment and Corporate Services was appointed on 13th July 2018. The appointment of this post was delegated by the Appointments Committee to WECA Chief Executive level, as formally agreed by the West of England Mayor and the Leaders of the three WECA Constituent Councils.
- 2.5 The appointment was made following a robust recruitment process, including criteria-based shortlisting of candidates, initial interviews consisting of the WECA Chief Executive and the Chief Executives of the three authorities (or their representatives) and a presentation to evaluate each of the candidates' ability to perform the statutory element of the role.
- 2.6 Following the interviews on 13th July 2018 the decision was made to offer the post of Director of Investment and Corporate Services, comprising the statutory s.151 Officer function, to Malcolm Coe. This decision was supported by the Chief Executives and Leaders of WECA

and the three Constituent Councils.

2.7 Malcolm Coe is due to commence in October 2018. Until he commences in post, Tim Richens will continue to hold the statutory Section 151 Officer responsibility.

Consultation:

3 Chief Executives of the three Local Authorities, the Appointments Committee.

Other Options Considered:

4 As this paper results from a full and objective recruitment process, no other options have been put forward.

Risk Management/Assessment:

5 The Combined Authority cannot provide the necessary governance and financial assurance required if it does not appoint a statutory section 151 Officer.

Public Sector Equality Duties:

6 The public sector equality duty created under the Equality Act 2010 means that public authorities must have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

6.1 The Act explains that having due regard for advancing equality involves:

- Removing or minimizing disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

6.2 The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected in the design of policies and the delivery of services, including policies, and for these issues to be kept under review.

6.3 There are no equalities implications arising as a result of this report.

Finance Implications:

7 The financial implications of the Section 151 Officer appointment will be met from within existing approved WECA salary budgets.

Advice given by: Tim Richens, Director of Investment & Corporate Services

Legal Implications:

- 8 Under the Local Government and Housing Act the Combined Authority has a legal obligation to appoint an officer to be responsible for its financial administration, this appointment would meet that legal obligation.

Advice given by: John McCormack, interim Monitoring Officer, WECA

Human Resources Implications:

- 9 Formally ratifying this appointment will enable the Director of Legal Services and Director of Investment and Corporate Services to perform their statutory duties as Section 151 Officer, which is required as part of WECA's constitution and will ensure strong legal and financial governance and risk management is in place across the Authority.

Advice given by: Alex Holly, Head of Human Resources

Environmental Implications:

- 10 n/a

Social Implications;

- 11 n/a

Equality Impact Assessment;

- 12 See Section 6.

Recommendations:

- 13 **The WECA Committee is asked to formally ratify the recommendation that Malcolm Coe is appointed as the statutory Section 151 Officer for the West of England Combined Authority.**
- 14 **The WECA Committee is asked to note that Tim Richens retains the statutory Section 151 Officer responsibility until the new post holder commences in post.**

Report Author: Alex Holly, Head of Human Resources, West of England Combined Authority

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 **Alex Holly**, and who is available by telephoning Joanna Greenwood on 0117 426210; writing to West of England Combined Authority, 3 Rivergate, Temple Way, Bristol BS1 6ER; email: democratic.services@westofengland-ca.gov.uk