

COUNCIL

Section 151 Officer Arrangements

19 October 2009

Report of Chief Executive

PURPOSE OF REPORT

The purpose of this report is to recommend changes to the Council's current arrangements for a Section 151 Officer and Chief Finance Officer.

This report is public

Recommendations

The meeting is recommended to:

- (1) Approve that Phillip O'Dell be appointed as the Council's Section 151 and Chief Finance Officer with effect from 26th October 2009 until 31st March 2010.
- (2) Note Phillip O'Dell has nominated the Head of Finance, Karen Curtin, as Deputy Section 151 and Deputy Chief Finance Officer authorised to act in his absence.
- (3) Agree that all reference to the Strategic Director Customer Services and Resources be deleted from the Council's constitution and that all the delegated powers to that post, including the section 151 functions, be transferred to the Head of Finance with a clear note that these functions will be exercised by the interim Chief Finance Officer with the Head of Finance as Deputy Section 151.
- (4) Agree that the Monitoring Officer be authorised to amend the constitution to give effect to this arrangement.

Executive Summary

Introduction

- 1.1 In accordance with Local Government Act 1972, there is a statutory requirement on the authority to designate three statutory officers; Head of Paid Service (Chief Executive), Monitoring Officer and Section 151 Officer/ Chief Finance Officer, who is required to be a suitably qualified individual, holding a CCAB recognised professional accountancy qualification.
- 1.2 Julie Evans, the Council's Strategic Director, Customer Service and Resources is the current Section 151 officer and she leaves the Council on October 25th 2009.
- 1.3 The size of the Corporate Management Team will now be reduced to comprise the Chief Executive and two Strategic Directors (with a Head of Improvement too until the end of the financial year). At the same time the roles, responsibilities and reporting lines of the extended management team are being reviewed to align roles with a smaller Corporate Management Team.
- 1.4 The Head of Finance is actively studying to gain the required CCAB qualification that is required for the position of 151 Officer. It is expected that she will complete her final exams in June 2010 and be qualified by the end of August 2010. The Head of Finance has been the deputy 151 officer since July 2008.

Proposals

- 1.5 For an interim period the Council should find a suitably qualified and experienced finance interim and designate this person Section 151 Officer until the Head of Finance has completed the required accountancy qualification.

Conclusion

- 1.6 For the first five months of this interim period the Council should re-engage Phillip O'Dell CIPFA, to act as the Council's Section 151 Officer and Chief Financial Officer.
- 1.7 During this period the Council should explore all options for securing a 151 Officer for the remaining time required, including the potential of sharing a 151 Officer with another authority.

Background Information

- 2.1 Julie Evans, the Council's Strategic Director, Customer Service and

Resources is currently the Council's Section 151 Officer and she leaves the authority on October 25th 2009.

- 2.2 In July 2008 the Council received a report detailing that the Chief Executive (in consultation with the Monitoring Officer) had exercised her emergency powers to appoint Phil O'Dell as the authority's Section 151 Officer on an interim basis. Phil O'Dell fulfilled this role diligently from July 2008 until March 2009 and oversaw the closing of 2007/08 accounts and the setting of the 2008/09 budget.
- 2.3 The scheme of delegation refers explicitly to the Strategic Director Customer Services and Resources in a number of places, namely, page 19 where the post approves leasing arrangements, on page 22 where specific section 151 responsibilities are listed and on page 23 where the list of proper officers is set out. All these references need to be changed to the Head of Finance with reference to the interim arrangements. The suggestion is we do this electronically but update the hard copies of the constitution when permanent arrangements are put in place.

Key Issues for Consideration/Reasons for Decision and Options

- 3.1 The designation of a Section 151 and Chief Finance Officer is a statutory requirement.

The following options have been identified. The approach in the recommendations is believed to be the best way forward

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| Option One | Replace the Strategic Director, Customer Service and Resources under the current terms, conditions and qualifications. |
| Option Two | Appoint an interim 151 Officer to cover the short period until the Head of Finance attains CCAB qualification. |

Implications

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| Financial: | The costs of employing an interim section 151 officer can be contained within the 151 allowance and by using a small proportion of the savings that will materialise as a result of reducing the corporate management team from 3 strategic directors to two. These costs will be built into the next 2009/10 |
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projection and 2010/11 budget.

Comments checked by Karen Muir, Corporate System Accountant, 01295 221559.

Legal:

The Council is required to have a designated section 151 officer under the Local Government Act 1972 who must be "suitably qualified". The proposed arrangements ensure the Council is complying with legislation."

Comments checked by Liz Howlett, Head of Legal and Democratic Services and Council Monitoring Officer, 01295 221688

Risk Management:

The designation of a Section 151 and Chief Finance Officer is a statutory requirement.

Comments checked by Karen Muir, Corporate System Accountant, 01295 221559.

Wards Affected

All

Document Information

Appendix No	Title
Background Papers	
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