

COUNCIL	AGENDA ITEM No. 14(a)
9 DECEMBER 2020	PUBLIC REPORT

Report of:	Gillian Beasley, Chief Executive
Cabinet Member(s) responsible:	Councillor Mohammed Farooq, Cabinet Member for Digital Services and Transformation

APPOINTMENT OF THE SECTION 151 OFFICER

RECOMMENDATIONS	
FROM: Employment Committee	Deadline date: N/A
<p>It is recommended that Council:</p> <ol style="list-style-type: none"> Note the decision by the Employment Committee on 17 November 2020 to permanently appoint to the role of Director of Resources; and Formally appoint Peter Carpenter to the Section 151 Officer role. 	

1. PURPOSE AND REASON FOR REPORT

1.1 In accordance with the Local Authorities (Standing Orders) (England) Regulations 2001, matters relating to the appointment of a Section 151 Officer are reserved to the Full Council. Therefore, this report is presented following the recommendation of Employment Committee for the Council to consider under its constitutional responsibilities for the appointment of the Section 151 officer. The Section 151 Officer is one of three statutory posts that the council must have in place, the others being the Head of Paid Service and the Monitoring Officer.

2. BACKGROUND

2.1 Following the resignation of the Corporate Director Resources in 2017, the role and S151 duties have been covered via a number of temporary assignments and since April 2018, via an acting up arrangement with Peter Carpenter being in role.

2.2 The Chief Executive had already recognised in her senior management review in November 2018 that due, to the challenging financial climate that both PCC and Cambridgeshire County Council (CCC) were facing, it was vital that both councils retained their own Chief Financial Officers who could also fulfil the statutory s151 duties.

2.3 Whilst the postholders at PCC and CCC are required to work closely together to share best practice and discuss the respective financial situations of each Council, on the basis that they contribute to our shared services agenda, they also need to be able to act independently in each sovereign council to maintain and drive the financial strategies of both Councils.

2.4 The role of Chief Finance Officer and Section 151 Officer currently falls under the remit of the post of Director of Resources and the key areas of accountability that the post hold are:

- Chief Finance Officer (s151 officer) with statutory responsibilities to make arrangements for the proper administration of the whole Council's financial affairs,

- Lead internal financial adviser on all council projects, and principal sign off for external financial advice.
- Representing the council on outside organisations such as Society of Municipal Treasurers, Unitary treasurers, East of England Finance Directors, localisation of council tax benefit steering group, public health funding group, LGA spending review group etc.
- The Council's Proper officer for property with responsibility to make arrangements for the proper administration of the whole of the Council's Property affairs.
- Joint chair of the Council's Joint Commissioning & Procurement Board.

3. REGULATIONS

3.1 Under Section 151 of the Local Government Act 1972, it is stated:

"Without prejudice to section 111 above, every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs."

3.2 Section 6 of the Local Government and Housing Act 1989, further states:

"(1) On and after the commencement day the Common Council shall –

(a) make arrangements for the proper administration of such of its financial affairs as relate to it in its capacity as a local authority, police authority or port health authority, and

(b) secure that one of its officers has responsibility for the administration of those affairs."

3.3 Part 3, Delegations Section 1 - Functions Reserved to the Council, paragraph 1.3.8 of the Council's Constitution states that it is the Council's responsibility to appoint 'proper officers'. The role of Chief Finance Officer is a statutory Chief Officer of the Council, and a 'proper officer' for this purpose.

3.4 Section 113 of the Local Government Finance Act 1988 requires that the officer appointed as the Chief Finance Officer (CFO) must be a member of a specified accountancy body.

4. INTERVIEW AND APPOINTMENT

4.1 The permanent search process took place via advertisement both on the Council's website and in the Municipal Journal over a three-week period closing on 14th October 2020.

4.2 The search process produced 7 applicants of which 4 were selected for long list interview; however, one subsequently withdrew from the process and 3 were therefore taken forward for initial interview.

4.3 An interview process took place on 17th November 2020 with PCC's Employment Committee where Peter Carpenter was appointed. Employment Committee agreed to proceed with recommending his appointment to the Section 151 duties to Full Council.

4.4 Peter Carpenter joined the council in July 2017 as Service Director for Finance and deputy S151 Officer and has 31 years experience of working in local government for a number of authorities. During his acting up arrangements, Pete has been supporting the council's drive to make efficiency savings following substantial reductions in government funding over the past decade and unprecedented financial pressures as a result of the Covid-19 pandemic. He has also been focussed on delivering high quality financial advice and support to the council's officers and members as well as ensuring that expenditure against the budget follows proper rules of financial accounting.

5. IMPLICATIONS

- 5.1 **Financial** – The Council’s Pay Policy statement, in line with statutory guidance issued under the Localism Act 2011, states that “Full Council is responsible for approving salary grades of £100,000 or more in respect of a new appointment. The Employment Committee, under its delegated powers will determine the salary to be paid within the grade approved by Council”. Full Council agreed senior management grades in April 2014 following a review of senior management pay. Given that the job description had been updated to reflect responsibility changes in some service areas such as Contact Centre, IT Function, it has been necessary to undertake further evaluation in accordance with the Hay scheme for senior managers. There is therefore a potential salary saving of circa £30k from the previously established role.
- 5.2 **Human Resources** – The review has been conducted in accordance with Council policies, procedures and relevant Employment legislation.
- 5.3 **Legal** – The Chief Executive, as the Head of the Paid Service, has a duty under section 4 of the Local Government and Housing Act 1989 to determine the staffing arrangements necessary to deliver the Council’s functions.

In accordance with the Local Authorities (Standing Orders) (England) Regulations 2001, matters relating to the appointment of a S151 Officer are reserved to Council.

As an appointment has been made by Employment Committee to the Director of Resources post and given that this role carries the statutory responsibilities of S151 Officer, in accordance with the Local Government Act, the appointment requires the approval of Council following a recommendation from Employment Committee.

- 5.4 **Equalities** – There are no equality implications arising from this report.
- 5.5 **Carbon Impact** – There are no carbon impact implications arising from this report.

6. BACKGROUND DOCUMENTS

- Peterborough City Council Constitution
- Local Government and Housing Act 1989
- Local Government Act 1972
- Local Authorities (Standing Orders) (England) Regulations 2001

7. APPENDICES

- 7.1 **Appendix A** - Job Description of the role of Director of Resources and Section 151 Officer.

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