



Council

Monday, 9 May 2022

Subject: Appointment of S151 Officer

Report by:

Chief Executive

Contact Officer:

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Chief Executive
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Purpose / Summary:

To seek approval for the appointment of one of the Council's Statutory Roles, the Section 151 Officer.

RECOMMENDATION(S):

1. That Council formally appoint Emma Foy as S151 Officer from 1 June 2022.

IMPLICATIONS

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 Chief Officers 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 the Chief Officers Employment Committee.

It is a statutory requirement for local authorities to have a Section S151 Officer in place, in order to ensure that their necessary roles and functions are delivered effectively.

Financial : FIN/17/23/TJB

There are no financial implications from this report.

Staffing : The Director of Corporate Services (S151) job description, the constitution and statutory functions, reflects the requirements and obligations of this statutory role.

Equality and Diversity including Human Rights :

None from this report

Data Protection Implications : None from this report

Climate Related Risks and Opportunities: None from this report

Section 17 Crime and Disorder Considerations: None from this report

Health Implications: None from this report

Title and Location of any Background Papers used in the preparation of this report :

West Lindsey District Council Constitution

Local Government and Housing Act 1989

Local Government Act 1972

Local Authorities (Standing Orders) (England) Regulations 2001 None

Risk Assessment :

It is a statutory requirement to appoint a Chief Finance Officer (S151) to ensure the proper administration of the Council's financial affairs

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

x

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

x

No

1 Introduction

- 1.1 The Local Government Act 1972 requires every local authority to appoint a suitably qualified officer responsible for the proper administration of its financial affairs. This role is commonly referred to as the Section 151 officer. The term S151 Officer has been used as a short form expression to refer to the role and duties of the 'Responsible Financial Officer' as defined by The Chartered Institute of Public Finance and Accountancy (CIPFA) (the function of the most senior finance officer employed by an organisation).
- 1.2 Section 113 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.
- 1.3 The role of a CFO lies at the heart of any effective and well governed organisation. The over-riding duty of this officer is to fulfil the statutory responsibilities.

2. Regulations

- 2.1 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."
- 2.2 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."
- 2.3 The West Lindsey District Council Constitution, Part IV Responsibility for Functions, requires the Council to designate the Head of Paid Service, Monitoring Officer, Chief Finance Officer (Section 151 Officer) and Electoral Registration Officer / Returning Officer paragraph
- 2.4 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 to the position in a manner that enhances the overall reputation of the Council. The CFO has a statutory duty under Section 151 of the Local Government Act 1972 to ensure that there are proper arrangements in place to administer the Council's financial affairs.
- 2.5 Section 114 of the Local Government Finance Act 1988 requires the S151 Officer to report to the full Council, the District Executive and the External Auditor if the authority or one of its officers:
 - has made, or is about to make, a decision which involves incurring unlawful expenditure

- has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the authority
- is about to make an unlawful entry in the authority's accounts.

3. Appointment

- 3.1 The permanent national search process was undertaken by Gatenby Sanderson who also managed the recruitment process.
- 3.2 The search process produced 3 candidates who were selected for the short list, however, one subsequently withdrew from the process and 2 were therefore taken forward for initial interview.
- 3.3 A technical interview was undertaken by Gatenby Sanderson, with a formal interview taking place on 22nd February 2022, which included the Chief Executive, an independent advisor, stakeholders and Assistant Directors.
- 3.4 One candidate was put forward to be interviewed by the Chief Officer Employment Committee on 23rd February 2022 where Emma Foy was appointed the Director of Corporate Services. The Chief Officer Employment Committee agreed to proceed with recommending her appointment to the Section 151 duties to Full Council.
- 3.5 Emma Foy will join the Council as Director of Corporate Services on 1 June and has 12 years of working in senior finance management roles at a number of local authorities and joins us from her current role as Head of Corporate Services and S151 at Hart District Council.
- 3.6 Emma is a qualified accountant and a fellow of the Association of Chartered Certified Accountants (ACCA).