

<b>Report of:</b>	Charlotte Benjamin - Director of Legal and Governance Services
-------------------	--

**AGENDA ITEM 5**

<b>Submitted to:</b>	Corporate Affairs and Audit Committee – 11 June 2020
----------------------	--

<b>Subject:</b>	Secondment to post of Director of Finance – Section 151 Officer
-----------------	---

**Summary**

**Proposed decision(s)**

That the Corporate Affairs and Audit Committee approves the recommendation of the Chief Officers' Appointments Committee to the secondment of an existing Director to the post of Director of Finance – Section 151 Officer.

Report for:	Key decision:	Confidential:	Is the report urgent?
Decision	No	No	No

**Contribution to delivery of the 2020-23 Strategic Plan**

Business Imperatives	Physical Regeneration	Social Regeneration
N/A		

**Ward(s) affected**

Not applicable

**What is the purpose of this report?**

- The purpose of the report is to seek Corporate Affairs and Audit Committee approval to the secondment of the current Director of Business, Performance and Change to the position of Director of Finance and Section 151 Officer.

**Why does this report require a Member decision?**

- The role of Chief Finance Officer (Section 151 Officer) is designated to the Director of Finance.

3. The Corporate Affairs and Audit Committee has delegated powers of full Council to approve an interim appointment of Chief Finance Officer.

### **Report Background**

4. At a meeting of the Chief Officers' Appointments Committee held on 14 May 2020, the Committee considered and endorsed the secondment of the current Director of Business, Performance and Change to the position of Director of Finance and section 151 Officer, with effect from 5 June 2020.
5. The secondment proposal was presented in the context of the senior management review conducted by the Head of Paid Service. The proposal was made to avoid a redundancy situation and to ensure that the role of section 151 officer would be filled subsequent to the departure of the current section 151 officer and pending a permanent appointment to that role.
6. Since the Chief Officer Appointments Committee met, there has been a delay in confirming the membership of the relevant professional body, CIPFA, of the intended section 151 officer, required to satisfy section 113 of the Local Government Finance Act 1988.
7. The current Director of Business Performance and Change will not take up the post of Director of Finance and section 151 officer until confirmation of his CIPFA membership is provided to the council.
8. The Council has a Deputy section 151 officer – the Head of Financial Planning and Support – who will fulfil the functions of the section 151 officer should there be any gap between the actions in paragraph 7 above and the departure of the current section 151 officer on 17 June 2020.
9. A copy of the job description for the position of Director of Finance and Section 151 Officer is attached at Appendix 1 to this report.

### **What decision(s) are being asked for?**

10. That Corporate Affairs and Audit Committee approves the interim appointment of Director of Finance and Section 151 Officer as recommended by the Chief Officers' Appointments Committee on confirmation of the CIPFA membership of the current Director of Business Performance and Change.

### **Why is this being recommended?**

11. The secondment will allow for the roles of Director of Finance and Section 151 Officer to be fulfilled, prior to a recruitment exercise taking place.
12. The Council is required at all times to have a Section 151 Officer.

### **Other potential decisions and why these have not been recommended**

13. Alternative options include the recruitment of an agency worker or consultant to act in this capacity (ruled out on cost basis) and holding the post vacant (ruled out as considered too high risk).

**Impact(s) of recommended decision(s)**

14. The secondment will allow for the roles of Director of Finance and Section 151 Officer to be fulfilled.

***Legal***

15. The proposed decision will enable the council to be compliant with section 151 Local Government Act 1972.

***Financial***

16. None.

***Policy Framework***

17. None.

***Equality and Diversity***

18. The decision would not have any disproportionately negative impacts.

***Risk***

19. Operating without a Director of Finance and Section 151 Officer would be contrary to local government law and would create a significant risk in the proper financial management of the Council's affairs.

**Actions to be taken to implement the decision(s)**

20. Appointment of individual for a period of six months and further reports regarding the permanent recruitment of a Director of Finance, subject to Council approval.

**Background papers**

Report of the Chief Executive: Senior Management Arrangements to Chief Officers' Appointments Committee – 14 May 2020

**Contact:** Charlotte Benjamin, Director of Legal and Governance Services  
**Email:** charlotte\_benjamin@middlesbrough.gov.uk