

Appointment of Section 151 Officer and Deputy Section 151 Officer



Report to: Full Council

Date: Thursday 7 November

Portfolio Holder: Councillor Dan Swords, Leader of the Council

Lead Officers: James Gardner, Head of Paid Service
Julie Galvin, Monitoring Officer

Executive Summary

A Under Section 151 Local Government Act 1972, the council is required to make arrangements for the proper administration of their financial affairs and appoint a Section 151 Officer and furthermore, a Deputy Section 151 Officer. The council's former Section 151 Officer left employment with the council on 4 November 2024 and therefore, the council is required to designate these duties to a new Section 151 Officer. It is recommended that the current Deputy Section 151 Officer be designated the new Section 151 Officer and a very experienced senior Finance Officer be designated as Deputy Section 151 Officer.

Recommended that:

A In accordance with Section 151 of the Local Government Act 1972 and the Local Government Finance Act 1988, Jacqui Van-Mellaerts be designated as the council's Section 151 Officer and Richard Criddle be designated as the council's Deputy Section 151 Officer.

Reason for decision

A The council is required by statute to appoint a Section 151 Officer and ensure that financial arrangements and administration are made in accordance with the law including with a Deputy Section 151 Officer.

Other Options

A There are no other options considered to meet the legal requirements as described.

Background

1. Section 151 of the Local Government Act 1972 requires local authorities to make arrangements for the proper administration of their financial affairs and appoint a S151 Officer, also known as a Chief Financial Officer (CFO), to have responsibility for those arrangements.
2. As such, the CFO must lead on a local authority's financial functions and ensure they are fit for purpose. CFOs must be professionally qualified and suitably experienced. In line with the Local Government Finance Act 1988 the CFO must be a member of one of the following bodies in order to qualify as a responsible officer:
 - a) the Institute of Chartered Accountants in England and Wales,
 - b) the Institute of Chartered Accountants of Scotland,
 - c) the Chartered Association of Certified Accountants,
 - d) the Chartered Institute of Public Finance and Accountancy,
 - e) the Institute of Chartered Accountants in Ireland,
 - f) the Chartered Institute of Management Accountants, and
 - g) any other body of accountants established in the United Kingdom and for the time being approved by the Secretary of State for the purposes of this section.
3. The council's former Section 151 Officer left employment with the council on 4 November 2024.

Issues/Proposals

4. Given that the council must now designate a new Section 151 Officer in accordance with the requirements set out in the Local Government Finance Act 1988, it is recommended that Jacqui Van-Mellaerts (Assistant Director – Finance) be designated the duties of Section 151 Officer.
5. Since January 2023, Jacqui has acted as the council's Deputy Section 151 Officer and has previous experience as a Section 151 Officer in another local authority. She has an extensive career in local government finance and is suitably qualified for the role.
6. If that recommendation is approved, the council will subsequently be required to designate a new Deputy Section 151 Officer. It is therefore recommended that Richard Criddle (Finance Manager) be designated as Deputy Section 151 Officer.
7. Richard has worked at the council for a significant number of years and in senior positions in the Finance Team and is extremely well respected and capable of carrying out the required duties.

Implications

Equalities and Diversity

The Council is an equal opportunity employer – nothing specific to this role.

Climate Change

None.

Finance

The statutory roles are fully funded positions within the current establishment and as such the cost of this appointment can be met from within existing resources.

Author: James Gardner, Head of Paid Service

Governance

The council is required by law to appoint certain Officers to undertake specific duties by statute. These three posts of Head of Paid Service, Monitoring Officer and Chief Finance Officer form the golden triangle in support of proper and transparent governance. Furthermore, it is proper practice to have a Deputy Section 151 Officer in post. The designation is a matter which is reserved to Full Council and all appropriate governance processes have been followed.

Author: Julie Galvin, Legal Services Manager and Monitoring Officer

Appendices

None.

Background Papers

None.

Glossary of terms/abbreviations used

None.