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**Full Council**

**29 October 2020**

Report of the Monitoring Officer

## **Designation of the Section 151 Officer**

### **Summary**

1. Council is responsible for the designation of the statutory powers of the Section 151 Officer.
2. Currently at the City of York Council the designated Section 151 Officer is held on an interim basis by the Corporate Finance Manager.
3. The Appointments Sub Committee has recruited permanently to the post of Chief Finance Officer (Assistant Director). The successful candidate is to commence in post on 1 November 2020.
4. Council is asked to designate the statutory role of Section 151 Officer to the post of Chief Finance Officer (Assistant Director) on 1 November 2020.

### **Background**

5. Section 151 of the Local Government Act 1972 requires the Council to ensure that one officer has the responsibility for the Council's financial affairs.
6. Previously the Section 151 designation was held by the Corporate Director Customer and Corporate Services.
7. Staffing Matters and Urgency agreed in August 2020 to implement the Chief Operating Officer Model. Through implementing this model it deletes the role of Corporate Director Customer and Corporate Services (section 151 officer). Within that Chief Operating Model the creation of a Chief Finance Officer (Assistant

Director) was created through the deletion of one of the Finance Manager posts.

8. The relevant HR change management process was followed.
9. Staffing Matters and Urgency Committee established an Appointments Sub Committee to recruit for the newly created post of Chief Finance Officer (Assistant Director).
10. The selection process was successful and Debbie Mitchell has been appointed in line with the Chief Officer Appointments procedures in the Council's Constitution.
11. Ms Mitchell commences in post on 1 November 2020.

### **Consultation**

12. Appointment of the Chief Finance Officer (Assistant Director) is a member appointment and the Appointments Sub Committee agreed on a preferred candidate.
13. Executive Members were informed of the proposed decision of the Appointments Sub Committee and made no objections to the appointments.

### **Options**

14. Council is asked to remove the designation of Section 151 Officer from the Corporate Director Customer and Corporate Services / Corporate Finance Manager and re-assign to the Chief Finance Officer (Assistant Director) effective from 1 November 2020.

### **Council Plan**

15. The appointment of a Chief Finance Officer (Assistant Director) and Section 151 Officer will contribute to delivering the Council Plan and its priorities, enabling the Council to remain proactive and fit for purpose for the future.

## **Implications**

### **Financial**

16. The financial implication of the creation of the Chief Finance Officer (Assistant Director) post was considered and agreed in the SMU paper in August.
17. There are no financial implications of assigning the Section 151 duties to the Chief Finance Officer (Assistant Director) post.

### **Human Resources (HR)**

18. The council's Change Management process has been followed, culminating in an Appointments Sub Committee being established.
19. The Appointments Sub Committee recommended a preferred candidate to Executive members in line with the council's constitution.
20. This has been approved.

### **Equalities**

21. There are no equalities implications at this time, however, the Council needs to have due regards to the public sector equality duty, which will be kept under review.

### **Legal**

22. Section 151 of the Local Government Act 1972 requires the Council to ensure that one officer has the responsibility for the Council's financial affairs, therefore reassigning the statutory responsibility to the Chief Finance Officer (Assistant Director).

### **Crime and Disorder, Information Technology and Property**

23. There are no identified implications.

### **Risk Management**

24. It is a legal requirement for the Council to have a Section 151 Officer.

## **Recommendations**

25. Full Council is requested to:

- i) Remove the designation of the role of Section 151 Officer from the Corporate Director Customer and Corporate Services / Corporate Finance Manager and re-designate it to the Chief Finance Officer (Assistant Director) effective from 1 November 2020.

Reason: To ensure the Council is compliant with its legal obligations and is operating appropriately with the necessary financial advice and guidance required from the Section 151 Officer.

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**Report**                   X   **Date** 2020  
**Approved**

**Specialist Implications Officer(s):**

**Wards Affected:**   **All**   X

**For further information please contact the author of the report**

**Background Papers: City of York Council Constitution**