

To: All Members of the Council

Ben Bix, Democratic Services Manager

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Calls may be recorded for training or monitoring

Date: 18 August 2023

Dear Councillor

EXTRAORDINARY COUNCIL MEETING - TUESDAY, 29 AUGUST 2023

An EXTRAORDINARY MEETING of the WAVERLEY BOROUGH COUNCIL will be held in the COUNCIL CHAMBER, COUNCIL OFFICES, THE BURYS, GODALMING on **TUESDAY, 29 AUGUST 2023** at **6.00 pm** and you are hereby summoned to attend this meeting.

The Agenda for the Meeting is set out below.

Yours sincerely

Susan Sale,
Executive Head of Legal & Democratic Services & Monitoring Officer

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AGENDA

1. APOLOGIES FOR ABSENCE

The Mayor to report apologies for absence.

2. DECLARATIONS OF INTEREST

To receive from Members, declarations of interest in relation to any items included on the agenda for this meeting in accordance with the Waverley Code of Local Government Conduct.

3. APPOINTMENT OF S151 OFFICER (Pages 3 - 20)

The Joint Appointments Committee recommend to Council that:

Richard Bates be appointed as the Interim Section 151 Officer for Waverley Borough Council and Guildford Borough Council.

4. EXCLUSION OF PRESS AND PUBLIC

If necessary, to consider the following motion, to be moved by the Mayor:

That, pursuant to Procedure Rule 20 and in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of any matter on this agenda on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item(s), there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the description specified in the appropriate paragraph(s) of the revised Part I of Schedule 12A of the Local Government Act 1972 (to be identified at the meeting).

Guildford and Waverley Borough Councils

Report to: Council

Date: 29 August 2023

Ward(s) affected: N/A

Report of Director: Transformation & Governance

Author: Jon Formby

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Report Status: Open

Appointment of Interim Section 151 Officer

1. Executive Summary

- 1.1 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 – known as Executive Head of Finance), to have responsibility for those arrangements.
- 1.2 Due to the departure of Peter Vickers, the current Executive Head of Service and Section 151 Officer, a replacement appointment is required to ensure that both councils meet their statutory requirements.
- 1.3 The nature of the recruitment market and timescales to appoint to the permanent role and also ensure both councils have the S151 Officer in place mean that both an interim and permanent appointment solution are required.

- 1.4 The search for an interim S151 Officer has been carried out in conjunction with external Executive Search Companies, Penna and Hays.
- 1.5 Interviews and technical assessments were carried out with shortlisted candidates and the successful candidate for the role was identified as Richard Bates, provided from Hays.
- 1.6 Due to the requirement to provide continuity, Richard was appointed to the interim role of Executive Head of Finance on 17 July 2023; however, approval to the S151 element of the role is required from both councils and a formal recommendation is required from the Joint Appointments Committee (JAC).
- 1.7 At its meeting held on 14 August 2023, the JAC recommended unanimously to both councils that Richard Bates be appointed as the Interim Section 151 Officer. Guildford Borough Council will be holding an extraordinary meeting of its full Council on 30 August to consider the JAC's recommendation.

2. Recommendation to Council

The Council is asked to agree:

That Richard Bates be appointed as the Interim Section 151 Officer for Waverley Borough Council and Guildford Borough Council.

3. Reason(s) for Recommendation:

- 3.1. Section 151 of the Local Government Act, 1972 requires that local authorities have in place arrangements for the proper administration of their financial affairs.
- 3.2. Richard Bates is a qualified Accountant and experienced local authority Chief Financial Officer. He has held the S151 Officer role at Dorset County Council and interim S151 Officer at Mendip District Council (see Appendix 2 – Richard Bates - Summary Curriculum Vitae)

4. Exemption from publication

Yes. Appendix 2.

4.1 The content of Appendix 2 is to be treated as exempt from the Access to Information publication rules because the process for candidate selection will involve the disclosure, or likely disclosure of personal information about the candidate and is therefore exempt from publication by virtue of paragraphs 1 and 4 of Part 1 of Schedule 12A to the Local Government Act 1972 as follows:

(1) "Information relating to any individual".

(4) "Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or officer-holders under, the authority."

4.2 The content is restricted to the members of both councils.

4.3 It is not anticipated that the exempt information can be expected to be made available for public inspection.

4.4 The decision to maintain the exemption may be challenged by any person at the point at which the Council is invited to pass a resolution to exclude the public from the meeting to consider the exempt information.

5. Purpose of Report

5.1 In the light of the decision of Guildford and Waverley Borough Councils to form a Joint Management Team (JMT), the JAC has considered the formal appointment of the interim S151 Officer as per the role profile attached as Appendix 1.

5.2 Every council must appoint the statutory roles of Head of Paid Service, Monitoring Officer, Section 151 Officer (i.e. chief financial officer as per Section 151 of the Local Government Act 1972), Electoral Registration Officer and Returning Officer. These are Full Council appointments.

5.3 The JAC's role, as set out in its terms of reference, is:

“Adopting and exercising such of the functions of Guildford Borough Council and Waverley Borough Council (“the councils”) as can be delegated by those councils in respect of the appointment of the councils’ Joint Chief Executive/Head of Paid Service and any Joint Statutory Officer and Director posts as are covered by the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended) or any successor regulations.”

5.4 Regarding the statutory office of Section 151 Officer, the JAC undertakes the appointment process and makes a recommendation to both Full Council meetings. At its meeting on 14 August 2023, the JAC considered an application for the interim S151 Officer role. An assessment of Leadership Competency, as per the role profile, was undertaken. An assessment of technical skill was also undertaken by the relevant portfolio holders. Feedback from the technical skill assessment was made available to the JAC for consideration at its meeting. Following their interview with Richard Bates, the JAC unanimously recommended to both councils his appointment to the interim S151 Officer role.

5.5 The final appointment is subject to no material or well-founded objection to the making of an offer of appointment being received by either Leader on behalf of their respective executives. Both Leaders have confirmed that no objections have been received.

6. Strategic Priorities

- 6.1 The Joint Executive Head of Finance plays a pivotal role in the delivery of Guildford and Waverley Borough Councils' aspirations set out in the respective Corporate Plan and Corporate Strategy through the assessment of financial risk, the provision of high-quality financial advice to councillors and to other members of the JMT.

7. Background

- 7.1. The current Section 151 Officer, Peter Vickers leaves Waverley Borough Council on 3 September 2023.
- 7.2. Both Guildford and Waverley Borough Councils are required to have a Section 151 Officer in place to fulfil their statutory financial obligations under Section 151 of the Local Government Act 1972.
- 7.3. Recruitment to senior roles on a permanent basis potentially takes significant longer than the time available in the notice period, necessitating both an interim and permanent process of recruitment.
- 7.4. The interim process has been run in conjunction with recruitment agencies Hays and Penna.
- 7.5. Alongside this Penna have undertaken the permanent recruitment campaign and this appointment will be brought back to the JAC in September.

8. Key Risks

- 8.1 Local authorities are required to have a Section 151 Officer in place so that they can fulfil their statutory financial obligations under Section 151 of the Local Government Act 1972.

9. Financial Implications

- 9.1 The candidate is provided by Hays Specialist Recruitment LTD for the interim assignment on a daily Client Rate of £927.68.

10. Legal Implications

- 10.1 Guildford and Waverley Borough Councils are required to have a Section 151 Officer to fulfil statutory financial obligations under Section 151 of the Local Government Act 1972.
- 10.2 The final appointment is subject to no material or well-founded objection to the making of an offer of appointment being received by either Leader on behalf of their respective Executives, as required by Part II of Schedule 1 to the Local Authorities Standing Orders (England) Regulations 2001. As mentioned above, no such objection has been received.

11. Human Resource Implications

- 11.1 The Executive Head of Finance and Section 151 Officer is a key role and part of the strategic Joint Management Team at Guildford and Waverley Borough Councils.

12. Equality and Diversity Implications

- 12.1 None

13. Climate Change/Sustainability Implications

- 13.1 None

14. Summary of Options

- 14.1 The timescales to go out to recruitment for a permanent role only would have put the Councils at risk of not having a S151 Officer in place before the current incumbent departed.
- 14.2 Interim roles of this level at Guildford and Waverley Borough Councils have successfully been filled in conjunction with Executive Search agencies, most recently for the Executive Head of Legal and Democratic Services/Monitoring Officer and the Executive Head of Planning Services.

14.3 Recruitment of an interim S151 Officer allows some overlap with the current incumbent, meets our statutory requirement and also provides a consistent level of Senior Leadership for the Finance Teams at Guildford and Waverley during challenging financial times for the Councils.

15. Conclusion

15.1 To ensure continuity and consistency at challenging financial times it is essential for the Finance Service at both councils to have an interim Executive Head of Finance / Section 151 Officer.

15.2 Appointment of an interim role is essential to ensure that both Guildford and Waverley Borough Councils meet the statutory requirements of Section 151 of the Local Government Act 1972.

15.3 The Joint Appointments Committee has recommended unanimously the appointment of Richard Bates as the Interim Section 151 Officer to both Guildford and Waverley Borough Councils.

16. Background Papers

None

17. Appendices

Appendix 1: Executive Head of Finance/Section 151 Job Profile

Appendix 2: Richard Bates – Curriculum Vitae – Summary [EXEMPT]

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| Role Title | Joint Executive Head of Finance Reporting to: Joint Strategic Director of Transformation and Governance |
| Role Purpose | <p>Accountable for efficient operational delivery of Guildford and Waverley council services consistent with the strategic aims and values of both councils.</p> <p>Acting as strong leadership and cultural role models, provide energetic, proactive, inspirational decision making, direction, support and guidance to all internal and external stakeholders including partners, Councillors, staff. This will include working collaboratively across partnerships, services, and Councils, driving the collaboration, harmonised culture and change agendas as set by the Councils.</p> <p>As a key member of the Joint Management Team, this role will make a major contribution to driving service efficiency and quality for the residents of Guildford and Waverley.</p> |
| Senior Leadership Accountabilities | <p>Accountabilities include:</p> <ol style="list-style-type: none"> 1. Providing operational leadership for the functions above. 2. Giving high quality advice and guidance to elected councillors and staff to enable the Councils’ priorities and responsibilities to be progressed. 3. Empowering your managers to be visibly accountable for the operational outcomes and details of their teams, promoting a positive outward facing culture of high performing, customer focused service and facilitating the drive for collaboration and transformational change. 4. Building constructive working relationships with all relevant stakeholders, including staff colleagues, councillors and relevant external parties. 5. Horizon scanning to keep abreast of innovations, economic legislative and social development affecting your service areas |

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| | <p>and developing commercial and business thinking to your services.</p> <ol style="list-style-type: none">6. Effectively managing and mitigating risks associated with your services including the Safeguarding Policy for Children and Adults, Health and Safety, business continuity and the risk of fraud and corruption.7. Promoting equality and inclusion at all levels of service delivery and employment.8. Demonstrating the councils leadership competencies and values.9. Building high performing services that continuously improve.10. Proactively identify opportunities for collaboration and change in accordance with agendas set by the Councils, promoting a culture of collaborative leadership through the wider joint management team, fairly and objectively representing the interests of both councils and the effective working of the organisations.11. Leading on key corporate programmes and projects as required.12. Champion and role model the harmonised organisational culture of the Councils ensuring that the Councils' values are lived.13. Leading the engagement with key strategic stakeholders in your service areas, including those from the statutory, business and voluntary sectors at borough, county and national level.14. Attending, as required, meetings of the Councils, Executives, Committees, Special Interest Groups and external meetings.15. Representing the Councils (and/or ensure that the Council is represented) externally and to promote and present a positive image to partners, representative bodies and other organisations, as necessary. |
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| <p>Initial Role Specific Accountabilities</p> | <p>This role has shared responsibility for Council budgets</p> <p>This role is the Section 151 Officer and is therefore the Chief Financial Officer with responsibility for the development of the medium-term financial strategy and provision of financial leadership to deliver long-term financial sustainability, optimising the efficient use of resources to support Council priorities. The role provides timely and pragmatic financial advice which is solutions-driven and incorporates a thorough understanding and assessment of risk in accordance with the CIPFA guidance: Role-of-CFO-in-LG 2016.</p> <p>The functions that this role leads are:</p> <ul style="list-style-type: none"> • Finance and Accounting (General Fund and HRA) • Internal Audit • Procurement • Revenues and Benefits <p>Please note that this is a statutory officer role and as such appointment must be agreed by Guildford and Waverley full Council.</p> |
| <p>Role Dimensions</p> | <p>Direct Reports <i>(NB Please note that as job titles frequently change, the below represent functions of roles and not job titles)</i></p> <p>TBC</p> <p>Number of staff approximately: Up to 100</p> |

Additional Notes:

1. All work performed and duties undertaken must be carried out in accordance with relevant Council and Service policies and procedures, within legislation and with regard to the needs of our customers and the diverse communities we serve.
2. This document sets out the main dimensions of the job it describes. It does not define all individual tasks, which may be expected to change from time to time to meet operational needs.

3. You will be expected to be flexible in your duties and carry out any other duties commensurate with the grade and falling within the general scope of the job, as request by your line manager.
4. This is a politically restricted post. You cannot be elected as a councillor in any local authority whilst employed in this role.
5. The statutory roles of Monitoring Officer and Section 151 Officer will be held by a member of the Joint Management Team. Deputy roles may be held by other senior managers.

Health and Safety / Risk Management

1. Ensure that all aspects of the Councils' Health and Safety Policies and Procedures are adhered to.
2. Be responsible for identifying and managing all risks associated with the job role through effective application of internal controls and risk assessments to support the achievement of corporate and service objectives.
3. Be available to assist in Emergency / Disaster Recovery situations.
4. Participate in the Councils' out of hours rota.
5. Adhere to the relevant Councils' constitution.
6. Champion Safeguarding policy and practice.

Contacts and Relationships

In this post, you will have significant contact with Councillors and senior officers of the Council. The Councils' Code of Conduct will apply.

Head of Service Person Specification

(please note the requirements below are all essential)

Qualifications

1. Educated to at least degree level or equivalent experience

2. Evidence of commitment to professional development (CPD)
3. As this role is the Section 151 Officer, the post-holder must hold appropriate accountancy qualifications and supporting experience to be able to fulfil the role of Chief Financial Officer in accordance with CIPFA guidance.

Experience

1. Significant post-qualification experience of strategic financial management, accounting and governance, preferably in a local government setting
2. In depth knowledge of local government financial management and accounting including the legal and regulatory framework
3. Experience leading across different specialisms with staff leadership and budgetary responsibility.
4. Experience of procurement, contract management and service commissioning.
5. Experience of developing business cases and projects to work collaboratively, overseeing implementation and evaluating success.
6. Experience of achieving positive outcomes when handling complex employment relationships issues including change programmes, culture development and case management
7. Proven track record of working successfully in a public sector environment with experience in their Service area.

Knowledge

1. Highly numerate and commercially aware, recognising the importance of value for money in all Council activity
2. Detailed understanding of strategic operational delivery including specific operational knowledge in Service area.

3. Knowledge of leadership models, styles and behaviours including an ability to engage, motivate and coach/mentor others to deliver.
4. Knowledge of facilitating business transformation based on systems thinking and use of technology.
5. An understanding of, and a commitment to, addressing equality and inclusion issues.

Skills and Abilities

1. Able to maintain effective relationships with Councillors.
2. A strong corporate player, able to align with the Councils' values, work collaboratively and develop shared approaches with colleagues across both councils, representing the interests of both Councils fairly and objectively.
3. An enabler, with the ability to manage a wide range of complex issues and agendas at the same time and drive change through influence and diplomacy.
4. Creative and imaginative. Able to see new approaches with an ability to communicate the vision, overcoming obstacles and showing that ambitious goals can be achieved.
5. Able to provide a clear and articulate overview of complex issues and provide sound professional and reliable advice in an accessible and non-technical manner.
6. Commercially aware, recognising the importance of value for money in all Council activity.
7. Able to demonstrate the leadership competencies including being able to lead, motivate and inspire diverse teams of staff, build capacity and promote a highly engaged, high performing staff team who can adapt to change.
8. Able to work collaboratively with other service areas and external organisations and build alliances and long and short-term partnerships.

9. Excellent communication skills and ability to positively enhance the reputation of the Councils.
10. Ability to work at pace, while managing a complex workload and maintaining your own resilience.

Leadership Competencies

Strategic Thinking:

- Sees the bigger picture
- Predicts future risks and opportunities
- Communicates overall direction
- Adapts to changing circumstances
- Maintains positivity in difficult times
- Supports organisational decisions
- Is comfortable with ambiguity
- Drives innovation and transformation
- Turns vision into tangible plans
- Brings the outside in to the organisation
- Takes time for own professional development
- Works with uncertainty

Delivery Through People

- Engages and motivates people
- Listens and responds appropriately
- Builds relationships with key stakeholders
- Works in partnership within and across Councils
- Builds effective working relationships
- Encourages creativity
- Communicates clearly and appropriately
- Is a positive role model
- Coaches and supports
- Celebrates, encourages and learns from different views and experiences
- Is politically astute
- Negotiates and influences

Excellence for Customers

- Provides good value for money
- Achieves high quality outcomes / results
- Is personally effective
- Focuses on customer service
- Manages conflicting priorities
- Embraces technology
- Manages risk
- Manages peaks and troughs of demand
- Focuses on community and local economy
- Takes a 'digital first' approach
- Takes a learning approach to continuously improve
- Champions collaboration

Governance

- Follows policies, processes, procedures and standards
- Is open, honest, and transparent
- Acts with integrity
- Has strong ethical compass
- Ensures fairness in all dealings
- Builds trust
- Takes accountability and ownership of issues
- Bases decisions on evidence and research
- Is consistent with decision making
- Understands the community and environmental impact of decisions
- Demonstrates financial responsibility

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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