

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

Tel: 01483 523499

Email: jon.formby@waverley.gov.uk

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]