

BROMSGROVE DISTRICT COUNCIL

Council
2024

9th October

STATUTORY OFFICER POSTS - APPOINTMENTS

Relevant Portfolio Holder	Councillor Karen May, Leader of the Council and Cabinet Member for Strategic Partnerships and Governance
Portfolio Holder Consulted	Yes
Relevant Head of Service	Sue Hanley, Chief Executive
Report Authors Sue Hanley	Job Title: Chief Executive Contact email: s.hanley@bromsgroveandredditch.gov.uk Contact Tel: (01527) 64252
Wards Affected	NA
Ward Councillor(s) consulted	N/A
Relevant Strategic Purpose(s)	Sustainability
Non-Key Decision	
If you have any questions about this report, please contact the report author in advance of the meeting.	

1. RECOMMENDATIONS

That the Council **RESOLVE** that

Mr Peter Carpenter continue to be appointed as the Deputy Chief Executive and Interim Executive Director of Resources (Section 151) until such time as a new permanent Section 151 Officer commences employment with the Council.

2. BACKGROUND

- 2.1 This report details proposals in respect of the extension of the fixed-term appointment of Mr Peter Carpenter to enable him to continue in post as the Council's Section 151 Officer and Deputy Chief Executive.

3. OPERATIONAL ISSUES

- 3.1 Members will recall that in December 2023, Council agreed to appoint Mr Pete Carpenter as interim Deputy Chief Executive and interim Executive Director of Resources (S151) until 30th November 2024.
- 3.2 Whilst the recruitment process for the permanent Deputy Chief Executive and Executive Director of Resources (S151) is now scheduled and will be underway imminently, the Council remains subject to the legal requirement to have a Section 151 officer in place.

- 3.3 To ensure continued stability at the senior level, it is proposed that Mr Peter Carpenter continue as Deputy Chief Executive and Executive Director of Resources (S151) until a permanent appointment is made to the post.
- 3.4 As previously advised, Mr Peter Carpenter would be “made available” to Redditch Borough Council under the shared service arrangements.
- 3.5 For the reasons detailed above the Council is being asked to consider continuing the arrangements for Mr Peter Carpenter as Deputy Chief Executive and Director of Resources (S151 Officer) until such time as a permanent appointment has been made to this position. Officers believe that this appointment would strongly mitigate against the risks of loss of knowledge and experience of delivering the statutory section 151 functions. It would also ensure the Council’s compliance with its obligations around the Section 151 function and allow for continued support to be given to members of the finance team in the short term.

4. FINANCIAL IMPLICATIONS

- 4.1 The Terms and Conditions of the continued appointment of Mr Peter Carpenter would remain unchanged and as agreed by Members on the 6th December 2023. Costs would be covered 50:50 between Bromsgrove District and Redditch Borough Councils.

5. LEGAL IMPLICATIONS

- 5.1 The Council is required to nominate an officer under Section 151 of the Local Government Act 1972 to be responsible for the proper administration of its financial affairs. The relevant wording states that: - “Without prejudice to section 111 above, every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs.”
- 5.2 Section 6 of the Local Government and Housing Act 1989, further sets out that “ (1) On and after the commencement day the Common Council shall – (a) make arrangements for the proper administration of such of its financial affairs as relate to it in its capacity as a local authority, police authority, or port health authority, and (b) secure that one of its officers has responsibility for the administration of those affairs”.
- 5.3 Section 113 of the Local Government Finance Act 1988 requires that the officer appointed as the Chief Finance Officer (CFO) must be a member of a specified accountancy body.

6. OTHER - IMPLICATIONS

Relevant Council Priorities

- 6.1 Effective financial management underpins all the Council's operations and achievement of the Council's priorities.
- 6.2 The continued appointment of Mr Peter Carpenter as Deputy Chief Executive and Director of Resources (Section 151 Officer), on a fixed-term contract will ensure that there is consistency and continuity during the recruitment process.
- 6.3 This continuity will assist the Council in terms of being a sustainable authority moving forward.

Climate Change Implications

- 6.4 There are no specific climate change implications.

Equalities and Diversity Implications

- 6.5 There are no known equalities implications arising from the options outlined in this report.

7. RISK MANAGEMENT

- 7.1 The following risks have been identified in relation to the post of Deputy Chief Executive and Director of Resources (Section 151 Officer):-

- Loss of lead officer for implementation of Finance Recovery Plan at a time when the Council is subject to the Section 24 Notice.
- Loss of lead finance officer for the specific projects.
- Potential inability to comply with the legal requirement for Council to have a section 151 Officer.
- Loss to the organisation of knowledge and experience held by the current Section 151 Officer.

- 7.2 Ways in which the steps recommended in the report will mitigate the risks outlined above include: -

- The continuity of employment of the Deputy Chief Executive and Director of Resources (Section 151 Officer) until the recruitment process is concluded and the post appointed.

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- The organisation will be able to retain the professional expertise of Mr Peter Carpenter and there will be continuity in respect of the projects he is leading on and the support provided to the Finance Team.
 - The Council will be able to fulfil its legal obligations by employing a knowledgeable and experienced Section 151 Officer.
 - There will be continuity in respect of the implementation of the Council's Finance Recovery Plan and liaison between the Council and its external auditors.

8. APPENDICES and BACKGROUND PAPERS

Background Papers

Appointment of Interim Head of Paid Service, Returning Officer and Electoral Registration Officer – report to Council on 19th July 2023.

Statutory Officer Posts Appointments – report to Council on 6th December 2023.

9. REPORT SIGN OFF

Department	Name and Job Title	Date
Portfolio Holder	Councillor Karen May, Leader and Cabinet Member for Strategic Partnerships and Governance	September 2024
Lead Director / Head of Service	Sue Hanley, Chief Executive	September 2024
Legal Services	Claire Felton, Assistant Director of Legal, Democratic and Property Services	September 2024