

Council Meeting	
Meeting Date	13 November 2019
Report Title	Appointment of Chief Financial s151 Officer
Cabinet Member	Cllr Roger Truelove
SMT Lead	Emma Wiggins, Director Regeneration
Head of Service	Not applicable
Lead Officer	Bal Sandher, Head of MKS Human Resources
Key Decision	No - the Sub Committee will make a recommendation to Council for consideration at the meeting on 13 November 2019
Classification	Open
Recommendations	1. The Council approve the appointment of Mr Nick Vickers as Chief Financial s151 Officer.

1 Purpose of Report and Executive Summary

- 1.1 This report seeks to approve the appointment of the Chief Financial s151 Officer.
- 1.2 This recommendation is made in the light of the new priorities that will be adopted as part of the Corporate Plan and the current requirements for local government employers.

2 Background

- 2.1 The Council is required under Section 151 of the Government Act 1972 to make arrangements for the proper administration of its financial affairs and must secure that one of its officers has responsibility for the administration of these affairs. This officer is generally known as the s151 Officer.
- 2.2 Currently the position of Chief Financial s151 Officer has been undertaken by Nick Vickers on a secondment arrangement with Kent County Council (KCC), working 26 hours a week between the council and KCC. The appointment was agreed by Council on 23 June 2010 and has been annually reviewed by Swale Borough Council and KCC.
- 2.3 The changes in priorities mean that the Council needs to continue to be responsive and flexible, and have in place a structure designed to support members in achieving their corporate plan objectives, building on the progress that has been made in recent years.

- 2.4 In light of the recent absence of the Chief Executive Officer it has been agreed to share the duties of the Head of Paid Services between three Officers; Emma Wiggins, David Clifford and Nick Vickers.
- 2.5 The additional responsibilities undertaken by Mr Vickers has meant that he has been unable to fulfil the requirements of his role at KCC within the current agreed hours for both organisations. A decision was therefore made to recruit to the Chief Financial s151 Officer for the full 26 hours per week.

3 Background to recruitment process

- 3.1 The Council's Constitution outlines the process that needs to be undertaken for Senior Officer appointments including Statutory Officers. This requires advertising positions and following a recruitment and selection process to appoint officers to positions of Head of Service and above.
- 3.2 The Chief Financial s151 Officer was advertised internally and externally on the 23 September 2019. There were 2 applications received; one internal and one external and based on the skills and experience required for this post only one was shortlisted and interviewed. Through this process Nick Vickers has been offered the position of Chief Financial s151 Officer.

4 Proposals

- 4.1 That the decision be noted as outlined in 3.2 of this report.
- 4.2 The Chief Financial s151 Officer is a statutory role that requires the Appointments Sub-Committee to make a recommendation to Full Council regarding the appointment of the Chief Financial s151 Officer. An offer of employment shall only be made where no-founded objection has been made by any Member of the Cabinet to appoint the Officer to this post.

5 Alternative Options

- 5.1 The background of this report explains the reasons for ending the secondment arrangement with KCC and to appoint to the Chief Financial s151 Officer on Swale Council contract. The council is focusing on the key priorities that need to be delivered, with some currently being worked on. It is therefore essential that we appoint an experienced and qualified candidate to take forward these areas of work.
- 5.2 The Council may decide not to approve the appointment of Nick Vickers to the Chief Financial s151 Officer. This would place the Council in some difficulty as it would be failing in its legal duties not to have an officer appointed to this role. There is a statutory requirement of the Local Government Act 1972 and Section 5 (1) of the Local Government and Housing Act 1989 to have a Chief Finance Officer in place.

6 Consultation Undertaken or Proposed

- 6.1 Discussions have taken place between the Leader, Head of HR and the Chief Financial Officer.
- 6.2 In accordance with the council's procedure, all Cabinet Members have also been contacted regarding the appointment of Nick Vickers to the Chief Financial s151 Officer post.

7 Implications

Issue	Implications
Corporate Plan	A council to be proud of.
Financial, Resource and Property	The appointment will on the council's pay scale of Grade 12. There is an expectation for this post holder to continue with the shared responsibility of the Head of Paid Service duties. In recognition of the additional responsibilities it is intended that the Officer will be appointed to the top of Grade 12 on a salary of £82,500 to cover the absence of the Chief Executive Officer. The pay will be amended to a lower pay point on Grade 12 once the Chief Executive Officer has returned back to work.
Legal, Statutory and Procurement	<p>Section 113 of the Local Government Finance Act 1988 requires every local authority to "make arrangements for the proper administration of their financial affairs and secure that one of their officers has responsibility of those affairs". The Section 151 Officer role is a key statutory role in any Council and as such there has to be complete clarity over how it can be fulfilled.</p> <p>Notwithstanding the provisions contained in section 113(2) of the Local Government, section 113 Local Government Finance Act 1988 provides that the Chief Finance Officer must be a member of one of the specified accountancy bodies (for example, the Institute of Chartered Accountants in England and Wales, CIPFA, the Institute of Chartered Accountants in Scotland, the Chartered Association of Certified Accountants. An exception exists for persons appointed prior to the coming into force (29 September 1988) of section 113 of the Local Government Finance Act 1988.</p> <p>Mr Vickers is CIPFA qualified and the proposal is that he is appointed on a Swale Borough Council contract.</p>
Crime and Disorder	None identified at this stage.
Environment and Sustainability	None identified at this stage.

Health and Wellbeing	None identified at this stage.
Risk Management and Health and Safety	The Council has to appoint a qualified person to the position of Section 151 Officer, the chief finance officer role within the Council. Not filling this gap with an able, strategic experienced qualified accountant would be a high risk to the Council and its improvement programme. This is because of the need to maintain a high strategic input in a very difficult financial climate as well as provide essential support to the council on key issues.
Equality and Diversity	None identified at this stage.
Privacy and Data Protection	None identified at this stage.

8 Appendices

8.1 None