



Policy and Resources Committee – 7 November 2011

Urgency Procedure

Purpose of report

To advise the committee of an approval given under the council's urgency procedure.

Attachment

Appendix – Approved urgency procedure report

1. In accordance with the constitution, the committee is advised that approval has been given to the interim appointment of the Head of the Paid Service as section 151 officer. The attached Appendix outlines the action taken.

Legal	Power: Local Government Act 1972; Local Government Finance Act 1988; Part 4 (Budget and Policy Framework) of East Northamptonshire Council's constitution				
	Other considerations: None				
Background Papers: None					
Person Originating Report: Sharn Matthews, Executive Director					
Date: 18 October 2011					
CFO		MO		CX	

(Committee Report Normal Rev. 22)

URGENCY PROCEDURE – APPOINTMENT OF S151 OFFICER

Report on behalf of the Monitoring Officer

Reasons for Urgency

The Local Government Act 1972 requires the council to make arrangements for the “proper administration of (its) financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs” through the appointment of what is known as a S151 Officer to advise the council.

The S151 Officer is required by law to be a qualified accountant and member of one of list of professional bodies outlined in S113, Local Government Finance Act 1988. A S151 Officer may also be the same officer as the Head of the Paid Service provided he/she meets the qualification criteria.

As a result of recent decisions, East Northamptonshire Council is currently without such an officer and action needs to be taken to ensure compliance with legislation. It is therefore proposed that the Chief Executive, who meets the qualification criteria, is appointed with immediate effect to the additional role of S151 officer on an interim basis.

The council’s Constitution currently recognises that the role of S151 Officer will be an external appointment and does not provide a procedure for the internal appointment of the S151 Officer. However in the case of appointment of the Head of Paid Service it specifies that their appointment should be made by Full Council on the recommendation of the Personnel Sub-Committee.

In recognition of the spirit of these provisions, and given that Full Council does not meet until January 2012, it is therefore necessary to invoke the urgency procedure under Part 4 of the Constitution (Budgetary and Policy Framework) to confirm the interim appointment.

Whilst the appointment of the Head of Paid Service as S151 officer is legal (and has been carried out at other authorities), it is recognised that it is not best practice in governance terms and it is therefore intended to seek an alternative solution as quickly as possible. Discussions are underway to seek a permanent appointment and it is planned that by January when this action is reported to Full Council, details of the proposed solution can also be presented for confirmation.

Action required

As the appointment of a S151 Officer cannot be reported to, or confirmed by Full Council until January 2012 it is requested that confirmation be given under the urgency procedure for the appointment of Mr David Oliver, Chief Executive, as interim S151 Officer with immediate effect.

This matter will be reported for confirmation to the next Policy and Resources Committee on 7 November and hence to Council in January 2012.

Implications

There are no financial or equality implications. However failure to secure a S151 Officer would be in breach of local government legislation.

Sharn Matthews
Monitoring Officer
18/10/11

Stephen North .Leader of the Council

Richard Lewis .Chairman of the Policy & Resources Committee

Roger Glithero Chairman of Personnel Sub-Committee