

TAMWORTH BOROUGH COUNCIL
Council
Monday 14th October

STATEMENT OF DECISION
BY CHIEF EXECUTIVE USING URGENT ACTION POWERS

I propose to make the following decision set out below in accordance with the powers vested in me by Part 3 of the Constitution of the Council approved by the Council pursuant to Section 37 of the Local Government Act, 2000 and in accordance with the Standing Orders of the Council as set out below:

Part 3 – Responsibility for Functions, Urgent Action.

The Chief Executive, in consultation with the Leader of the Council and opposition group leader so far as is practicable shall take urgent action to protect the interests of the Council and the inhabitants of the Borough.

The decision has been made by Stephen Gabriel – Chief Executive
Date: 2 October 2024

Purpose of the Report

To inform the council of a decision taken under urgency powers by the Chief Executive in relation to the appointment of a Section 151 Officer.

Recommendations

That Council note the decision taken under urgency powers by the Chief Executive in consultation with the Leader of the Council in relation to the appointment of Joanne Goodfellow as interim Executive Director Finance and Section 151 Officer with effect from 23 September 2024, and that Omotayo Lawal (Head of Finance), be appointed the interim Deputy Section 151 Officer with effect from 27 September 2024.

Executive Summary

The Chief Executive Officer, in consultation with the Leader of the Council, used his emergency powers to appoint:

- Omotayo Lawal as the interim Deputy S151 Officer with effect from 27 September 2024.
- Joanne Goodfellow who was already appointed as the Deputy S151 Officer but due to urgent actions was 'stepped up' to the interim appointment of S151 Officer contained within the role of Executive Director Finance with effect from 23 September 2024.

Background

In accordance with Section 151 of the Local Government Act 1972 and Section 113 of the Local Government Finance Act 1988 there is a statutory requirement on the authority to designate one of its officers as its Section 151 Officer/Chief Finance Officer. The individual is required to be a suitably qualified accountant holding a recognised professional accountancy qualification as set out in legislation.

The most senior finance role in any organisation plays a critical role in ensuring the overall success of the organisation or business. In local government each Council is required to appoint a statutory finance officer, known as a Section 151 Officer (S151), who must hold a recognised qualification. The designation of Section 151 Officer brings with it various personal duties and accountabilities which are set down in the relevant legislation.

On 2 October, the current Executive Director Finance and S151 Officer left the employment of Tamworth Borough Council by mutual agreement and because of this, and to ensure the Council remained compliant with regards to financial regulations, urgent action was necessary.

The Deputy S151 (Joanne Goodfellow, Assistant Director Finance) will now, on an interim basis for a period of 6 months, take on the full duties associated with that of the S151 officer which are included within the role of Executive Director Finance. To ensure organisational resilience a new deputy S151 will be required and as such, Omotayo Lawal (Finance Manager) will now be appointed interim Deputy S151 Officer for a period of 6 months.

The decision to appoint a Section 151 Officer would ordinarily be taken by Full Council. However as the current Deputy S151 officer has previously been approved by Full Council and the Constitution makes it clear that 'the Executive Director Finance is the S151 officer and in their absence the Assistant Director Finance can act,' governance on this point is in already place.

Whilst Council approval is not required to appoint a Deputy S151 officer, due to extenuating circumstances, in this instance as urgency provisions were used, it has been advised that this needs to be reported to next Council meeting.

Consultation with the Leader of the Council was held as was communication with leaders of opposition parties was completed.

Resource Implications

Salary implication arising from these changes will be financed within budget.

The interim arrangements will also provide the Council with stability in terms of financial management, budget planning process and readiness for the upcoming Corporate Peer Challenge.

Options Considered

Option 1: To appoint an alternative officer of the Council as Section 151 Officer. This is rejected because the Assistant Director Finance is most senior qualified finance officer employed by the Council, and it is therefore appropriate for the post holder to be designated as such.

Legal Implications

It is a legal requirement that the Council appoint suitably qualified officers as the Section 151 Officer and deputy S151 Officer pursuant to Section 151 of the Local Government Act 1972 and Section 113 of the Local Government Finance Act 1988.

Equalities

Attached at Appendix 1.

Environmental and Sustainability

There are no environmental or sustainability impacts arising from this report.

Report Author

Anica Goodwin (Executive Director and Head of Paid Service)

Appendix 1 – Community Impact Assessment