

Guildford and Waverley Borough Councils

Report to: Full Council Guildford / Full Council Waverley

Date: 16 April 2024 / 23 April 2024

Ward(s) affected: N/A

Report of Manager: HR Manager

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Report Status: Open

Appointment of Joint Strategic Director of Finance /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, to have responsibility for those arrangements.
- 1.2 Due to the changes to the Corporate Management Board structure and the advertising of the permanent role of Joint Strategic Director of Finance/Section 151 Officer a permanent appointment is required to ensure that both Councils meet their statutory requirements.
- 1.3 The role of permanent Joint Strategic Director of Finance/Section 151 Officer was advertised internally and externally across the recruitment platforms at Waverley Borough Council and Guildford Borough Council from Monday 18 March to Monday 25 March 2024. The external advertising at Waverley included the role being placed on Jobs Go Public an external recruitment site specialising in public

sector recruitment. Jobs Go Public is also the chosen platform for the Local Government Association. The role is advertised on their main sites and across their social media platforms as well as on the LG Jobs (Local Government site).

- 1.4 The statistics on the Jobs Go Public site indicate that the role received 464 views across all platforms and 118 apply clicks which meant potential candidates also then clicked through to find out further information on the role.
- 1.5 Only one application was received, which was from the current interim S151 Officer, Richard Bates.
- 1.6 Richard Bates has been in the role of interim Executive Head of Finance/ S151 Officer since 17 July 2023, and, latterly, the role of Interim Joint Strategic Director of Finance.
- 1.7 At its meeting on 12 April 2024, the Joint Senior Staff Committee (JSSC) conducted an interview of Richard Bates for the permanent role of Joint Strategic Director of Finance/Section 151 Officer and have recommended unanimously to confirm his formal appointment to that role at the full meetings of both Guildford and Waverley Borough Councils to be held respectively on 16 and 23 April 2024. Any formal offer of appointment is subject to no material or well-founded objection being made by either of the two Council Leaders on behalf of their respective Executives in accordance with the provisions of Paragraph 5 of Part II of Schedule 1 to the Local Authorities (Standing Orders) (England) Regulations 2001.

2. Recommendation to both councils:

The Joint Senior Staff Committee recommends:

- 2.1 That Richard Bates be appointed to the permanent role of Joint Strategic Director of Finance / Section 151 Officer for Guildford and Waverley Borough Councils, subject to no material or well-founded objection being made by either of the two Council Leaders on behalf of their respective Executives.

3. Reasons 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 Exempt Appendix 2 – Richard Bates - Summary Curriculum Vitae)
- 3.3. Richard Bates has been carrying out the responsibilities of the role of interim Executive Head of Finance/S151 Officer at both authorities since 17 July 2023 and, latterly, the role of Interim Joint Strategic Director of Finance.

4. Exemption from publication

- 4.1 Yes. Appendix 2.

The content of Appendix 2 is to be treated as exempt from the Access to Information publication rules because the process for candidate selection involved the disclosure, or likely disclosure of personal information about the candidate and is therefore exempt from publication by virtue of paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 as follows:

(1) "Information relating to any individual".

- 4.2 The content is restricted to 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, if necessary, 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), both councils are requested to consider the recommendation of the JSSC in respect of the formal appointment of the S151 Officer as per the role profile attached as Appendix 1.

5.2 Every council must appoint an officer to the statutory role of Section 151 Officer (Chief Financial Officer).

5.3 The JSSC'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 JSSC undertakes the appointment process which includes an assessment of Leadership Competency as per the role profile. At its meeting on 12 April 2024, the JSSC considered an application for the permanent position of Joint Strategic Director of Finance, which incorporates the S151 Officer role, submitted by the current interim Richard Bates.

5.5 Following an interview with Mr Bates, the JSSC has recommended unanimously to both Full Council meetings that he be appointed to the permanent role.

5.6 The final appointment will be “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.”

6. Strategic Priorities

6.1 The Joint Strategic Director 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, and the provision of high-quality financial advice to Councillors and to other members of the JMT.

7. Background

7.1 The role of permanent Joint Strategic Director of Finance/Section 151 Officer was advertised internally and externally across the recruitment platforms at Waverley Borough Council and Guildford Borough Council from Monday 18 March to Monday 25 March 2024. The external advertising at Waverley included the role being placed on Jobs Go Public an external recruitment site specialising in public sector recruitment. Jobs Go Public is also the chosen platform for the Local Government Association. The role is advertised on their main sites and across their social media platforms as well as on the LG Jobs (Local Government site).

7.2 The statistics on the Jobs Go Public site indicate that the role received 464 views across all platforms and 118 apply clicks which meant potential candidates also then clicked through to find out further information on the role.

7.3 Only one application was received, which was from the current interim S151 Officer, Richard Bates. Mr Bates has been carrying out the responsibilities of the role of interim Executive Head of Finance/S151 Officer at both authorities since 17 July 2023 and, latterly, the role of Interim Joint Strategic Director of Finance.

7.4 Mr Bates is a qualified Accountant and experienced local authority Chief Financial Officer. He has previously held the S151 Officer role at Dorset County Council and interim S151 Officer at Mendip District Council (see Exempt Appendix 2 – Richard Bates - Summary Curriculum Vitae)

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 Under the collaboration agreement, the cost of employing a Joint Strategic Director of Finance and Section 151 Officer is split equally between the two councils, with Waverley being the employing council. From 1 April 2024, the salary for a Strategic Director is a spot salary of £127,850 p.a.
- 9.2 The candidate is provided by Hays Specialist Recruitment Ltd. At this level of seniority of role, a placement fee of 25% is normally charged based on the annual salary. However, Hays have confirmed that they are happy to reduce this fee from 25% to 16% upon the appointment of Richard Bates to the permanent role. This would equate to a reduction of the fee from £31,963 to £20,456. Again, this would be split equally between the two councils.

10. Legal Implications

- 10.1 Section 2 (6) Local Government & Housing Act 1989 provides that the officer having responsibility, for the purposes of section 151 of the Local Government Act 1972, for the administration of an authority's financial affairs is a Statutory Chief Officer.
- 10.2 Both Councils are required to have a Section 151 Officer to fulfil statutory financial obligations under Section 151 of the 1972 Act.
- 10.3 In accordance with Officer Employment Procedure Rule 3.3, the JSSC is responsible for the recruitment and selection process of the Joint Section 151 Officer, and for making a recommendation to the Council of both Waverley Borough Council and Guildford Borough Council for the designation of the role to their preferred candidate. Approval of the appointment of the Joint Section 151 Officer must be confirmed at Full Council Meetings of both authorities.
- 10.4 Any formal offer of appointment is subject to no material or well-founded objection being made by either of the two Council Leaders on behalf of their respective Executives in accordance with the provisions of Paragraph 5 of Part II of Schedule 1 to the Local Authorities (Standing Orders) (England) Regulations 2001.

11. Human Resource Implications

11.1 The Joint Strategic Director of Finance and Section 151 Officer is a key role and part of Corporate Management Board at Waverley and Guildford Borough Councils.

12. Equality and Diversity Implications

12.1 Equality impact assessments are carried out when necessary to ensure service delivery meets the requirements of the Public Sector Equality Duty under the Equality Act 2010. There are no immediate equality, diversity, or inclusion implications in this report's recommendations. Impact assessments may be required as further collaboration proposals are developed and implemented and will be reported as appropriate.

13. Climate Change/Sustainability Implications

13.1 None

14. Conclusion

14.1 To ensure continuity and consistency at challenging financial times it is essential for the Finance Service to have a Joint Strategic Director of Finance / Section 151 Officer.

14.2 Appointment to the role is essential to ensure that both Councils meet the statutory requirements of Section 151 of the Local Government Act 1972.

15. Background Papers

None

16 Appendices

Appendix 1: Joint Strategic Director of Finance / Section 151 Job Profile

Appendix 2: Richard Bates – Curriculum Vitae (EXEMPT)