

**To the Chair and Members of the  
COUNCIL**

**APPOINTMENT OF SECTION 151 OFFICER**

**PURPOSE**

1. The purpose of this report is to seek the approval of Council to appoint Stephen James Mawson as Doncaster Council's Section 151 Officer with effect from 1 October 2016.

**RECOMMENDATION**

2. It is recommended that Stephen James Mawson be appointed as Doncaster Council's Section 151 Officer with effect from 1 October 2016 until further determination. With effect from 1 October 2016, Stephen James Mawson's post title will become "Chief Financial Officer and Assistant Director – Finance".
3. It is recommended that the Monitoring Officer update the Constitution where necessary to reflect the changes to officer designations outlined in this report.

**WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?**

4. The impact of the post holder on the citizens of Doncaster is to ensure that the Council meets its statutory responsibilities in respect of the administration of the Council's financial affairs acting as the Council's Chief Financial Officer.

**BACKGROUND**

5. The position of S151 Officer is currently held by the Director of Finance & Corporate Services, Simon Wiles. Simon Wiles has asked to reduce his working week to 4 working days, in line with the Council's flexible working policy and considers that as a part of this it is appropriate to relinquish the role of S151 Officer, which involves a range of work including Internal Audit, grant claims and Government returns. The change would be part of a slightly wider set of changes including governance and the Senior Information Risk Officer role which would both reduce Simon Wiles workload by 20 % and give developmental opportunities to Assistant Directors in Finance and Corporate Services projects.
6. Stephen James Mawson currently holds the position of Deputy S151 Officer and has supported Simon Wiles in carrying out his S151 duties. Stephen James Mawson holds the required financial qualification as a CIPFA Qualified Accountant. Faye Tyas would become the new Deputy Section 151 Officer and would cover in Steve Mawson's absence.

7. The overall strategic planning and advisory role will remain with Simon Wiles as the Director of Finance and Corporate Services who will continue his role supporting both the Chief Executive (Head of Paid Service) and the Mayor.
8. Once approved the Council's Constitution should be reviewed and amended as appropriate to ensure the power to deal with financial matters, that are the statutory responsibility of the Section 151 Officer, are accurately referred to in the Constitution.

## **THE ROLE OF THE CHIEF FINANCIAL OFFICER (S151)**

9. The duties of the Chief Financial Officer are set out in Part 2 and 3 of the Council's Constitution and are summarised below.

### **LOCAL GOVERNMENT ACT 1972**

Section 115 – The officer to whom money properly due from officers shall be paid
Section 146 – The officer to make statutory declarations and issue any certificate with regard to securities held by local authority companies
Section 151 (and Section 114 of the Local Government Finance Act 1988) S210 To Exercise functions relating to charities

### **LOCAL GOVERNMENT ACT 2003**

Requirement to report to Council annually on the robustness of estimates and financial reserves
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### **LOCAL GOVERNMENT FINANCE ACT 1988**

Section 116 – Notification to the Council's auditor of any meeting to be held under Section 15 of the 1988 Act (meeting to consider any report of the Chief Finance Officer under Section 114)
Section 139A – Provision of information to the Secretary of State in relation to the exercise of his powers under this Act as and when required. S114, S115 & II5A Responsibility for Chief Finance Officers reports to the Council Executive

### **LOCAL GOVERNMENT (CONTRACTS) ACT 1997**

Certification of relevant powers to enter into contracts S3&4 – Officer designated with authority to sign
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### **LOCAL GOVERNMENT ACT 2003**

All finance-related Officer duties
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## **LOCAL GOVERNMENT FINANCE ACT 1988**

Sections 114, 115 and 115A Responsibility for Chief Finance Officer Reports to the Council/Executive
Section 116 (1) Responsibility for notifying the external auditor of arrangements for a meeting to consider a report from the “Chief Financial Officer” under this Act

### **EFFECT OF THE RECOMMENDATION**

10. Once appointed as S151 Officer, Stephen James Mawson’s post title will change to Chief Financial Officer and Assistant Director – Finance and he will be responsible, until further determination, for all formal financial powers including:
- Setting a balanced budget
  - Budget monitoring
  - Final accounts sign off
  - Signing grants claims, grant audits, grant bids
  - Responsible for internal audit work, reviewing reports, attending Audit Committee and managing the Head of Internal Audit
  - Recipient of all government notifications, responsibility for returns
  - Authorisation of treasury management decisions
  - Responsible for all formal financial related decision making with guidance from the Director

### **OPTIONS CONSIDERED AND REASONS FOR RECOMMENDED OPTION**

11. It is a statutory requirement to have a designated Chief Financial Officer which is to be fulfilled by the Assistant Director – Finance post. It is a key post within the current approved chief officer senior management structure.

### **RISKS AND ASSUMPTIONS**

12. The proposals outlined in the report are consistent with the requirements set out in law. This statutory role must be appropriately designated and undertaken to ensure the Council meets its statutory responsibilities as well as ensuring stability and effective leadership.

## IMPACT ON THE COUNCILS KEY OUTCOMES

13.	Outcomes	Implications
	<p>All people in Doncaster benefit from a thriving and resilient economy.</p> <ul style="list-style-type: none"> <li>• <i>Mayoral Priority: Creating Jobs and Housing</i></li> <li>• <i>Mayoral Priority: Be a strong voice for our veterans</i></li> <li>• <i>Mayoral Priority: Protecting Doncaster's vital services</i></li> </ul>	<p>This is a key role within the Council's Management Structure and the post holder is expected to make a significant contribution to the delivery of these priorities</p>
	<p>People live safe, healthy, active and independent lives.</p> <ul style="list-style-type: none"> <li>• <i>Mayoral Priority: Safeguarding our Communities</i></li> <li>• <i>Mayoral Priority: Bringing down the cost of living</i></li> </ul>	
	<p>People in Doncaster benefit from a high quality built and natural environment.</p> <ul style="list-style-type: none"> <li>• <i>Mayoral Priority: Creating Jobs and Housing</i></li> <li>• <i>Mayoral Priority: Safeguarding our Communities</i></li> <li>• <i>Mayoral Priority: Bringing down the cost of living</i></li> </ul>	
	<p>All families thrive.</p> <ul style="list-style-type: none"> <li>• <i>Mayoral Priority: Protecting Doncaster's vital services</i></li> </ul>	
	<p>Council services are modern and value for money.</p>	
	<p>Working with our partners we will provide strong leadership and governance.</p>	

## LEGAL IMPLICATIONS

14. Section 151 of the Local Government Act 1972 requires every local authority to 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.
15. Chief Finance Officer is defined by Section 6 of the Local Government and Housing Act 1989 as the officer having responsibility for the purposes of Section 151 of the Local Government Act 1972 for the administration of the authority's financial affairs.

16. Section 113 of the Local Government Finance Act 1988 imposes professional qualification requirements for officers having responsibility under Section 151 of the Local Government Act 1972 for the administration of an authority's financial affairs.
17. The proposed changes to Officer designations and duties outlined in this report will require a number of minor technical changes to be made to various parts of the Constitution. These revisions may be made by the Monitoring Officer in accordance with the authority to "make minor amendments" as set out in Article 1 of the Constitution.
18. Appropriate amendments are made to the terms and conditions of both Stephen James Mawson and Simon Wiles to reflect that these changes detailed within this report will remain in place until further determination. Advice and assistance should be sought from HR.

### **FINANCIAL IMPLICATIONS**

19. There are no specific financial implications arising from this report.

### **HUMAN RESOURCES IMPLICATIONS**

20. There are no specific human resources implications other than those mentioned elsewhere in this report.

### **TECHNOLOGY IMPLICATIONS**

21. There are no specific technology implications associated with this report.

### **EQUALITY IMPLICATIONS**

22. There are no specific equality implications arising from this report.

### **CONSULTATION**

23. Consultation has been undertaken with all relevant post holders, The Mayor and Chief Executive.

### **BACKGROUND PAPERS**

24. None

### **REPORT AUTHOR**

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