



Haringey Council

Agenda item:

Full Council

On **22 February 2010**

Report Title: **Appointment of Interim Section 151 Officer / Chief Financial Officer**

Forward Plan reference number (if applicable): **N/A**

Report of: **The Chief Executive**

Wards(s) affected: **All**

Report for: **Non-Key Decision**

1. Purpose

1.1 To appoint an Interim Section 151 Officer / Chief Financial Officer

2. Recommendations

2.1 That Janice Willis be appointed to the post of Section 151 Officer / Chief Financial Officer on an interim basis for a period of 6 months, as described in this report, pending a permanent appointment, and;

2.2 That the procedures for appointment and termination of employment in Part 4 Section K of the Council's Constitution be waived in this case having regard to the reasons given in paragraph 6.4 below.

Report Authorised by: **The Chief Executive**

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3. Comments of the Chief Financial Officer

3.1 The cost of the interim Chief Financial Officer can be contained within the agreed budget.

4. Head of Legal Services' Comments

4.1 Under section 151 of the Local Government Act 1972 the Council must appoint an officer to have personal responsibility for the administration of the Council's financial affairs. That officer must have the appropriate professional qualification. In the Council's Constitution the section 151 Officer is described as the Chief Financial Officer. The proposed mechanism of a contract of employment, combined with the locum consultancy arrangement for related non-statutory services, is considered to be an effective and lawful means of securing interim cover.

5. Local Government (Access to Information) Act 1985

5.1 Background documents:
The Council's Constitution

6. Report

6.1 The current Section 151 Officer / Chief Financial Officer (s.151/CFO), Gerald Almeroth, has given notice that he will be leaving the employment of Haringey Council after 31 March 2010. The Council must ensure that an officer with the appropriate professional (CIPFA) qualification is appointed to act personally in the role of the s.151/CFO until such time as a permanent appointment can be made and that appointee can take up the post.

6.2 The s.151/CFO is a "statutory officer" of the Council and, as such, a member of the Chief Executive's Management Board. The post reports directly to the Director of Corporate Resources and thus counts as a Deputy Chief Officer.

6.3 Part 4, Section K of the Council's Constitution applies to the recruitment and appointment of Chief Officers and Deputy Chief Officers on a permanent basis. The procedure requires the advertisement of the post, the short-listing of candidates and the selection of the successful appointee after interviews by a Member "4K Panel" which is, inevitably, a time consuming process. It is not wholly clear whether the procedure applies to all temporary appointments. For the avoidance of doubt and for the reasons explained below, Members are being recommended to waive the application of Part 4, Section K in this case.

6.4 In the current circumstances there is a limited and very fast moving market where availability can change quickly for the relatively small number of suitably qualified and experienced professionals able to take on the role of s.151/CFO at a London Borough on an interim basis. After making enquiries of several agencies, the Director of Corporate Resources has advised that it would not be practicable to comply with the Part 4, Section K procedure if an interim s.151/CFO is to be appointed and in place prior to the departure of the current post-holder.

- 6.5 Accordingly, Members are being recommended to waive the application of the procedures in Part 4, Section K of the Constitution with respect to this interim appointment only. As this is an interim arrangement for a period of 6 months, it is also advisable to waive the requirement for a “4K Panel” to be held for the dismissal/termination of employment of the interim s.151/CFO.
- 6.6 The lack of certainty over the scope of Part 4, Section K of the Constitution is clearly undesirable. Officers propose to report to the Constitution Review Working Group with proposals to clarify the application of these procedures to temporary/interim appointments of Chief and Deputy Chief Officers.
- 6.7 The Director of Corporate Resources has been able to secure the services of a suitably qualified and experienced professional, Janice Willis, to undertake the duties of the s.151/CFO on an interim basis, subject to Members’ agreement. Janice Willis was introduced to the Council by an agency providing locum consultancy services.
- 6.8 There will be two aspects to the work performed by Janice Willis, both aspects being within the job description of the current post-holder.
- 6.9 The first aspect is the statutory role of s.151/CFO. The law requires that the appointee has personal responsibility for the administration of the Council’s financial affairs. Therefore, there must be a direct contractual relationship with Janice Willis who is to be a temporary employee of the Council with respect to the statutory duties of the post for a period of 6 months starting on 1 April 2010.
- 6.10 The second aspect is the non-statutory management role which the current post-holder undertakes within the Corporate Resources Directorate including the supervision and line management of the Corporate Finance, the Audit & Risk Management, the Procurement and the Benefits & Local Taxation Services. These tasks are distinct and additional, though related, to the statutory role.
- 6.11 It is proposed that these non-statutory duties be undertaken by Janice Willis under the terms of the existing framework agreement between the Council and the agency for the provision of consultancy services. In order to ensure continuity and an efficient hand-over, Janice Willis is expected to commence these non-statutory duties on 8 March 2010.