



The Arc  
High Street  
Clowne  
Derbyshire  
S43 4JY

Date: 12 June 2017

Dear Sir or Madam,

You are summoned to attend a meeting of the Bolsover District Council on **Wednesday 21 June 2017 at 1000 in the Council Chamber, The Arc, High Street, Clowne.**

**Notes for Members:**

Register of Members' Interests - Members are reminded that a Member must within 28 days of becoming aware of any changes to their Disclosable Pecuniary Interests provide written notification to the Authority's Monitoring Officer.

You will find the contents of the agenda itemised on pages 2 to 4.

Yours faithfully,

Assistant Director – Governance & Monitoring Officer

To: Chairman & Members of the Council

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**01246 242505**

**Minicom: 01246 242450**

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# COUNCIL

## AGENDA

WEDNESDAY 21 JUNE 2017 AT 1000

Item No.		Page No.(s)
	<b>PART 1 – OPEN ITEMS</b>	
1.	<b>Apologies for Absence</b>	
2.	<b>Urgent Items of Business</b>  To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B)4(b) of the Local Government Act 1972	
3.	<b>Declarations of Interest</b>  Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of:-  a) any business on the agenda b) any additional urgent items to be considered c) any matters arising out of the business of those items  and withdraw from the meeting at the relevant time, if appropriate.	
4.	<b>Questions</b>  (a) Questions submitted by the Public pursuant to Rule 8 of the Council Procedure Rules.	None
	(b) Questions submitted by Members pursuant to Rule 9 of the Council Procedure Rules.	None

5. **Reports on special urgency decisions**
- In any event the Leader will submit reports to the Council on the Executive decisions taken in the circumstances set out in Rule 16 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.
- None
6. **Minutes of Last Meeting**
- To approve and the Chairman to sign the minutes of the Annual Council Meeting held 24 May 2017.
- See Minute Book  
– To follow
7. **Minute Books**
- Members may put questions for clarification in respect of the minutes contained within the latest Minute Books dated 21 June 2017.
- To follow
8. **Recommended Items**
- None.
9. **Chair's Announcements**
- To receive any announcements that the Chair of the Council may desire to lay before the meeting.
10. **Exclusion of the public**
- To move:
- That the public be excluded from the meeting during the discussion of the following item of business to avoid the disclosure to them of exempt information as defined in Paragraphs 1, 3, and 4, Part 1 of Schedule 12A to the Local Government Act 1972, (as amended by the Local Government (Access to Information) (Variation) Order 2006).

*It was agreed at the meeting that the following item of business be considered in public and that the report be made available to the public.*

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**Interim Arrangements for the Statutory Post of Section 151 Officer**

5 to 8

*Recommendations on page 7.*

**Bolsover District Council**

**Council**

**21 June 2017**

**Interim Arrangements for the Statutory role of Section 151 Officer**

**Report of the Joint Chief Executive**

This report is public

**Purpose of the Report**

- To seek approval for the Joint Assistant Director – Finance & Revenues and Benefits to be designated as Section 151 Officer to the Council on a temporary basis pending the Strategic Alliance Senior Management Team restructure.

**1 Report Details**

- 1.1 As part of the Strategic Alliance Management Team (SAMT) restructure the posts of Joint Executive Director – Transformation and Joint Executive Director – Operations will be deleted from the Council's establishment from 30 June 2017. The latter post holder is also the Section 151 Officer for the Council.
- 1.2 Two new posts of Joint Strategic Director are currently being recruited to. Once these posts are recruited to the Directors will work with the Joint Chief Executive to undertake a wider review of the Senior Management Team structure. During this exercise the role of the Section 151 Officer will be filled on a permanent basis.
- 1.3 Section 151 of the Local Government Act 1972 requires all Councils to make arrangements for the proper administration of their financial affairs and to secure that one of their officers has responsibility for the administration of those affairs. Therefore it is a statutory requirement that the Council appoints a Section 151 Officer during the intervening period between the departure of the Joint Executive Director – Operations and completion of the Senior Management Team restructure. In order to ensure compliance with the statutory requirement interim arrangements are required.
- 1.4 The Council could consider entering into a 'shared' Section 151 Officer arrangement with another Council. This is not recommended given the need to maintain a clear focus on delivery of the Medium Term Financial Strategy; the unknown level of interest in such an arrangement amongst neighbouring Councils facing similar financial challenges, and the length of time such negotiations would take.
- 1.5 As outlined above it is the longer term intention to appoint to the Section 151 Officer role permanently. However given the need to maintain momentum regarding delivery of the Medium Term Financial Strategy and to ensure the Section 151 role is met in full, it is vital that the Council has an experienced individual in position to

lead a challenging budget setting process. It is therefore proposed to temporarily appoint the Joint Assistant Director – Finance & Revenues and Benefits to the Section 151 officer role until the Senior Management Team restructure is complete. The Joint Assistant Director – Finance & Revenues and Benefits has the necessary qualifications and experience to fulfil the role and is currently the Deputy Section 151 officer.

## **2 Conclusions and Reasons for Recommendation**

- 2.1 There are only two possible options to consider. The first is a sharing option with a neighbouring Authority as outlined in paragraph 1.4 and the second is an internal temporary arrangement as outlined in paragraph 1.5.
- 2.2 Taking the risks, financial implications and legal implications into account it is recommended that Council approve paragraph 1.5 as the preferred option.

## **3 Consultation and Equality Impact**

- 3.1 The Joint Chief Executive has consulted with the Joint Assistant Director – Finance & Revenues and Benefits to confirm her ability, competence, qualifications and expertise to carry out the role of Section 151 Officer.
- 3.2 There are no specific equality issues at this time.

## **4 Alternative Options and Reasons for Rejection**

- 4.1 The alternative option is to enter into a 'shared' Section 151 Officer arrangement with another Council. This is not recommended given the need to maintain a clear focus on delivery of the Medium Term Financial Strategy; the unknown level of interest in such an arrangement amongst neighbouring Councils facing similar financial challenges, and the length of time such negotiations would take.

## **5 Implications**

### **5.1 Finance and Risk Implications**

- 5.1.1 Finance – there will be no additional cost to the Council.
- 5.1.2 Risks – if the Council failed to appoint a Section 151 Officer during the intervening period of the Senior Management Team restructure it would not be compliant with Section 151 of the Local Government Act 1972. Consequently the Council could not demonstrate that one of its officers had responsibility for the proper administration of its financial affairs. Furthermore if the Council does meet the statutory requirements there is a risk that focus will be lost on fulfilment of key statutory duties.

### **5.2 Legal Implications including Data Protection**

- 5.2.1 Section 151 of the Local Government Act 1972 requires all Councils to make arrangements for the proper administration of their financial affairs and to secure that one of their officers has responsibility for the administration of those affairs. The

Council would not meet this statutory requirement if it failed to appoint to the S151 officer role.

5.2.2 Under the Council's Constitution, the duty to designate an officer as the Section 151 Officer is reserved to full Council.

### 5.3 **Human Resources Implications**

5.3.1 All outlined throughout this report.

## 6 **Recommendations**

6.1 That Council:

- (i) agrees to the temporary appointment of the Joint Assistant Director – Finance & Revenues and Benefits as the Section 151 Officer from 1 July 2017 pending the completion of the Senior Management restructure.

## 7 **Decision Information**

<p><b>Is the decision a Key Decision?</b>  A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:  <i>BDC: Revenue - £75,000</i> <input type="checkbox"/>  <i>Capital - £150,000</i> <input type="checkbox"/>  <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/>  <i>Capital - £250,000</i> <input type="checkbox"/>  <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p><b>Is the decision subject to Call-In?</b>  (Only Key Decisions are subject to Call-In)</p>	No
<p><b>District Wards Affected</b></p>	N/A
<p><b>Links to Corporate Plan priorities or Policy Framework</b></p>	Transforming our Organisation

**8**     **Document Information**

<b>Appendix No</b>	<b>Title</b>
<b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
<b>Report Author</b>	<b>Contact Number</b>
Dan Swaine – Joint Chief Executive	01246 242462