

**REDDITCH BOROUGH COUNCIL**

**Council**  
2024

11<sup>th</sup> November

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**STATUTORY OFFICER POSTS - APPOINTMENTS**

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|--|--|
| Relevant Portfolio Holder  | Councillor Jo Baker  |
| Portfolio Holder Consulted   | Yes  |
| Relevant Head of Service   | Sue Hanley, Chief Executive  |
| Report Authors<br>Sue Hanley   | Job Title: Chief Executive<br>Contact email:<br><a href="mailto:s.hanley@bromsgroveandredditch.gov.uk">s.hanley@bromsgroveandredditch.gov.uk</a><br>Contact Tel: (01527) 64252 |
| Wards Affected   | NA   |
| Ward Councillor(s) consulted   | N/A  |
| Relevant Strategic Purpose(s)  | An effective and sustainable Council   |
| Non-Key Decision   |  |
| If you have any questions about this report, please contact the report author in advance of the meeting. |  |

**1. RECOMMENDATIONS**

**That the Council NOTE that**

- 1.1 Members of Bromsgrove District Council (the employing authority) resolved at the Council meeting held on 9<sup>th</sup> October 2024 that Mr Peter Carpenter continue to be appointed as the Deputy Chief Executive and Interim Executive Director of Resources (Section 151 Officer) until such time as a new permanent Section 151 Officer commences employment with the Council.**
- 1.2 Further, that during this extended period of employment Mr Peter Carpenter will be made available by Bromsgrove District Council under the shared services arrangements to perform such duties as are required by his post for Redditch Borough Council.**

**That the Council RESOLVE that**

- 1.3 For the purposes of Section 151 of the Local Government Act 1972, Mr Peter Carpenter continue to be appointed as Section 151 Officer for Redditch Borough Council until such time as a new permanent Section 151 Officer is appointed and commences employment.**

**2. BACKGROUND**

- 2.1 This report details proposals in respect of the extension of the fixed-term**

appointment of Mr Peter Carpenter to enable him to continue in post as the Council's Section 151 Officer and Deputy Chief Executive. As Members are aware, under the shared services arrangements the holder of this post is employed by Bromsgrove District Council and "made available" to Redditch Borough Council to perform such duties as are required.

**3. OPERATIONAL ISSUES**

- 3.1 Members are referred to the last report received on this matter dated 5<sup>th</sup> December 2023. On that occasion Members at Redditch agreed to the appointment Mr Peter Carpenter as interim Deputy Chief Executive and interim Executive Director of Resources (Section 151 officer) until 30<sup>th</sup> November 2024. The following day (6<sup>th</sup> December 2023) Members at Bromsgrove District Council (the employing authority) resolved to make the appointment.
- 3.2 Whilst the recruitment process for the permanent Deputy Chief Executive and Executive Director of Resources (Section 151 Officer) is now scheduled and will be underway imminently, the Council remains subject to the legal requirement to have a Section 151 Officer in place.
- 3.3 To ensure continued stability at the senior level, it is proposed that Mr Peter Carpenter continue as Deputy Chief Executive and Executive Director of Resources (Section 151 officer) until a permanent appointment is made to the post.
- 3.4 As previously noted, Mr Peter Carpenter is employed by Bromsgrove District Council and is "made available" to Redditch Borough Council under the shared service arrangements.
- 3.5 It is proposed that Mr Peter Carpenter remain in post as Deputy Chief Executive and Director of Resources (Section 151 Officer) until such time as a permanent appointment has been made to this position. Officers believe that this appointment would strongly mitigate against the risks of loss of knowledge and experience of delivering the statutory section 151 functions. It would also ensure the Council's compliance with its obligations around the Section 151 function and allow for continued support to be given to members of the finance team in the short term.
- 3.6 A report mirroring this report was considered at a meeting of Bromsgrove District Council on 9<sup>th</sup> October 2024 and as the employing authority Members at Bromsgrove resolved to extend the appointment of Mr Peter Carpenter. Members at Redditch Borough Council are asked to note that appointment and that Mr Peter Carpenter will continue to be made available as set out in recommendations 1.1 and 1.2. Further, Members

are invited to resolve the Mr Peter Carpenter's appointment as the Section 151 officer for Redditch Borough Council be extended until such time as a new permanent Section 151 Officer is appointed and commences employment.

**4. FINANCIAL IMPLICATIONS**

- 4.1 The Terms and Conditions of the continued appointment of Mr Peter Carpenter would remain unchanged and as agreed by Members at Redditch Borough Council on 5<sup>th</sup> December 2023 and by Members of Bromsgrove District Council on the 6<sup>th</sup> December 2023. Costs would be shared on a 50:50 basis between Bromsgrove District and Redditch Borough Councils.

**5. LEGAL IMPLICATIONS**

- 5.1 The Council is required to nominate an officer under Section 151 of the Local Government Act 1972 to be responsible for the proper administration of its financial affairs. The relevant wording states that: - "Without prejudice to section 111 above, every local authority shall 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."
- 5.2 Section 6 of the Local Government and Housing Act 1989, further sets out that " (1) On and after the commencement day the Common Council shall – (a) make arrangements for the proper administration of such of its financial affairs as relate to it in its capacity as a local authority, police authority, or port health authority, and (b) secure that one of its officers has responsibility for the administration of those affairs".
- 5.3 Section 113 of the Local Government Finance Act 1988 requires that the officer appointed as the Chief Finance Officer (CFO) must be a member of a specified accountancy body.

**6. OTHER - IMPLICATIONS**

**Relevant Strategic Purpose**

- 6.1 Effective financial management underpins all the Council's operations and achievement of the Council's priorities.

- 6.2 The continued appointment of Mr Peter Carpenter as Deputy Chief Executive and Director of Resources (Section 151 Officer), on a fixed-term contract will ensure that there is consistency and continuity during the recruitment process.
- 6.3 This continuity will assist the Council in terms of being a sustainable authority moving forward.

**Climate Change Implications**

- 6.4 There are no specific climate change implications.

**Equalities and Diversity Implications**

- 6.5 There are no known equalities implications arising from the options outlined in this report.

**7. RISK MANAGEMENT**

- 7.1 The following risks have been identified in relation to the post of Deputy Chief Executive and Director of Resources (Section 151 Officer):-
- Loss of lead officer for implementation of Finance Recovery Plan at a time when the Council is subject to the Section 24 Notice.
  - Loss of lead finance officer for the specific projects.
  - Potential inability to comply with the legal requirement for Council to have a section 151 Officer.
  - Loss to the organisation of knowledge and experience held by the current Section 151 Officer.
- 7.2 Ways in which the steps recommended in the report will mitigate the risks outlined above include: -
- The continuity of employment of the Deputy Chief Executive and Director of Resources (Section 151 Officer) until the recruitment process is concluded and the post appointed.
  - The organisation will be able to retain the professional expertise of Mr Peter Carpenter and there will be continuity in respect of the projects he is leading on and the support provided to the Finance Team.
  - The Council will be able to fulfil its legal obligations by employing a knowledgeable and experienced Section 151 Officer.
  - There will be continuity in respect of the implementation of the Council's Finance Recovery Plan and liaison between the Council and its external auditors.

**8. APPENDICES and BACKGROUND PAPERS**

Background Papers

Statutory Officer Posts Appointments – report to Council on 5<sup>th</sup> December 2023

Overarching Framework Agreement between Bromsgrove District Council and Redditch Borough Council – 21<sup>st</sup> March 2011

**9. REPORT SIGN OFF**

| <b>Department</b>               | <b>Name and Job Title</b>  | <b>Date</b> |
|---------------------------------|--|-------------|
| Portfolio Holder                | Councillor Jo Baker  |             |
| Lead Director / Head of Service | Sue Hanley, Chief Executive  |             |
| Legal Services                  | Claire Felton, Assistant Director of Legal, Democratic and Property Services |             |