

Taunton Deane Borough Council

Full Council – 11 April 2017

Appointment of Section 151 Officer

Report Author : Penny James, Chief Executive

1 Purpose of the Report

- 1.1 In the light of the change of arrangements in relation to the provision of the Section 151 Officer role, the Council needs to formally agree to the appointment of Paul Fitzgerald into the post in accordance with the Constitution.

2 Recommendations

- 2.1 That Council agrees that Paul Fitzgerald be appointed as Section 151 Officer for the Council, with an implementation date of no later than 21 April, 2017.

3 Risk Assessment

Risk Matrix

| Description | Likelihood | Impact | Overall |
|---|------------|--------|---------|
| The Council does not appoint a Section 151 Officer as required by statute and would therefore be acting ultra vires | 5 | 5 | 25 |
| <i>The Council makes a formal appointment of a Section 151 Officer</i> | 1 | 1 | 1 |

Risk Scoring Matrix

| | | | | | | | |
|---------------|---|----------------|------------|-------------|-------------|----------------|----------------|
| Likelihood | 5 | Almost Certain | Low (5) | Medium (10) | High (15) | Very High (20) | Very High (25) |
| | 4 | Likely | Low (4) | Medium (8) | Medium (12) | High (16) | Very High (20) |
| | 3 | Possible | Low (3) | Low (6) | Medium (9) | Medium (12) | High (15) |
| | 2 | Unlikely | Low (2) | Low (4) | Low (6) | Medium (8) | Medium (10) |
| | 1 | Rare | Low (1) | Low (2) | Low (3) | Low (4) | Low (5) |
| | | | 1 | 2 | 3 | 4 | 5 |
| | | | Negligible | Minor | Moderate | Major | Catastrophic |
| Impact | | | | | | | |

| Likelihood of risk occurring | Indicator | Description (chance of occurrence) |
|-------------------------------------|---|---|
| 1. Very Unlikely | May occur in exceptional circumstances | < 10% |
| 2. Slight | Is unlikely to, but could occur at some time | 10 – 25% |
| 3. Feasible | Fairly likely to occur at same time | 25 – 50% |
| 4. Likely | Likely to occur within the next 1-2 years, or occurs occasionally | 50 – 75% |
| 5. Very Likely | Regular occurrence (daily / weekly / monthly) | > 75% |

4 Background and Full details of the Report

- 4.1 As Members were made aware in an e-mail dated 16 March, 2017, certain changes are being made in relation to the current roles of the Senior Management Team which includes the current Section 151 Officer - Shirlene Adam(Director – Operations) who is being seconded to work full time to direct the Transformation Programme.
- 4.2 As part of the arrangements to accommodate this change Paul Fitzgerald – who already acts as Deputy Section 151 Officer – will be moved from his current Assistant Director – Resources post to provide the Section 151 Officer role for the Council.
- 4.3 As required under the Constitution, the Council is therefore being requested to formally agree to the appointment of Paul Fitzgerald into the Section 151 Officer role.
- 4.4 To enable matters to progress swiftly and keep all work on track, it is proposed that this change will be implemented no later than 21 April, 2017.

5 Links to Corporate Aims / Priorities

- 5.1 All Councils are required to have a properly appointed Section 151 Officer.

6 Finance / Resource Implications

- 6.1 Any financial implications will be met from existing approved budgets.

7 Legal Implications

- 7.1 The Constitution requires the Council to agree to the appointment of the Section 151 Officer on the recommendation of the Head of Paid Service– Item 7 under paragraph 4.4 of the 'Powers of Full Council relating to the Responsibility for Functions' refers.

8 Environmental Impact Implications

- 8.1 None in respect of this report.

9 Safeguarding and/or Community Safety Implications

- 9.1 None in respect of this report.

10 Equality and Diversity Implications

- 10.1 None in respect of this report.

11 Social Value Implications

11.1 None in respect of this report.

12 Partnership Implications

12.1 None in respect of this report.

13 Health and Wellbeing Implications

13.1 None in respect of this report.

14 Asset Management Implications

14.1 None in respect of this report.

15 Consultation Implications

15.1 None in respect of this report.

16 Scrutiny Comments / Recommendation(s)

16.1 None in respect of this report.

Democratic Path:

- **Scrutiny / Corporate Governance or Audit Committees – No**
- **Cabinet/Executive – No**
- **Full Council – Yes**

Reporting Frequency : **Once only** **Ad-hoc** **Quarterly**
 Twice-yearly **Annually**

Contact Officer

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