

PFCC Decision Report

Please ensure all sections below are completed

Report reference number: 167-19
Classification: Not protectively marked
Title of report: Interim Appointment – PFCC Section 151 Officer
Area of county / stakeholders affected: Countywide
Report by : Jane Gardner Date of report: 5 November 2019 Enquiries to: jane.gardner2@essex.pnn.police.uk

1. Purpose of the report

To further extend the appointment of Abbey Gough as the interim Section 151 ('S151') officer for the PFCC in relation to policing and crime matters, and to delegate to her the appropriate functions to perform this role.

Section 151 of the Local Government Act 1972 requires authorities to make arrangements for the proper administration of their financial affairs and to appoint a S151 / Chief Finance Officer to have responsibility for those arrangements. The role of the S151 officer is set out in Section 151 of the Local Government Act 1972.

The Chief Finance Officer is the financial advisor to the PFCC and has a statutory responsibility to manage their financial affairs as detailed in section 112 and 114 of the Local Government Finance Act 1988 as well as the Accounts and Audit Regulations 2011.

2. Recommendations

- 1 That Abbey Gough (the PFCC's Financial Scrutiny Officer) continues to act as interim S151 officer for the PFCC in relation to policing and crime matters for the period 31 October 2019 - 31 December 2019.
- 2 That the functions delegated to the Chief Finance Officer under the PFCC's Scheme of Delegation be delegated to the interim S151 officer throughout the period for which she is covering this role.

3. Benefits of the proposal

The extension of the interim S151 officer position will ensure continuity of support to the Police, Fire and Crime Commissioner during a vacancy in the posts of S151 Officer / Chief Finance Officer following the ill-health and subsequent passing away of the previous incumbent.

4. Background and proposal

The continuation of appointment of an interim S151 officer will provide support and resilience within the PFCC's office until such time as a permanent appointment can be made.

Abbey Gough was appointed interim S151 Officer on 19 March 2018. It is proposed that Abbey Gough continues to act as the interim S151 officer for the period 31 October 2019 - 31 December 2019 while an ongoing review of the PFCC's establishment is concluded.

In order to achieve this, the following functions delegated to the Chief Finance Officer under the PFCC's Scheme of Delegation will need to be delegated to the interim S151 officer for the period for which they are covered:

- To approve the arrangements for the Treasury Management function including the day to day management and production of the Treasury Management Strategy and supporting policies and procedures.
- To approve the arrangements for securing and preparing the PFCCs accounts, and seek assurances that there are appropriate arrangements in place for the force's accounts.
- To approve the opening of all bank accounts.
- To undertake the day to day management of the PFCC's budget.
- To commit expenditure within the PFCC's approved budget to meet the policies and objectives agreed with the PFCC and reflected in the Police and Crime Plan.
- To manage the grants awarded to the PFCC.
- To prepare from time to time draft financial and contract regulations, in consultation with and having due regard to the view of the force, for approval by the PFCC.
- To act as the money laundering reporting officer under the Proceeds of Crime Act 2002 and Money Laundering Regulations 2003 or other appropriate legislation from time to time in force.
- To prepare and annually review financial and contract regulations, in consultation with the force, for approval by the PFCC or the Deputy PFCC.
- To prepare and annually review a draft expenses and benefits framework for approval by the PFCC.
- To determine when any goods are surplus to requirements or obsolete and arrange for disposal in line with financial requirements.
- To report to the PFCC and the external auditor any unlawful or potentially unlawful spending by his or the force's officers.
- To provide for an effective internal audit service.

5. Alternative options considered and rejected

The outsourcing of the S151 function whilst this position remains vacant was explored. This was rejected on the basis that the S151 Officer needs to be close to the business of the office to effectively deliver its requirements as set out in section 4.

6. Police and Crime Plan

This will help to deliver on the priorities as set out in the Police and Crime Plan.

7. Police operational implications

There are no operational implications for the Essex Police force.

8. Financial implications

An appropriately qualified interim deputy section 151 officer has been appointed to cover the duties and responsibilities carried out by the Section 151 role. Abbey Gough will receive an Honoraria payment of £1,973.97 pcm for undertaking these duties throughout the period for which they are covered as they are in addition to the responsibilities of her substantive post.

The financial implications of the proposal can be met within the underspend currently forecast on the salaries brought about by various part-year vacancies experienced throughout the year.

9. Legal implications

As set out above, Section 151 of the Local Government Act 1972 requires authorities to make arrangements for the proper administration of their financial affairs and to appoint a S151 / Chief Finance Officer to have responsibility for those arrangements. The Chief Finance Officer is the financial advisor to the PFCC and has a statutory responsibility to manage his financial affairs as detailed in section 112 and 114 of the Local Government Finance Act 1988 as well as the Accounts and Audit Regulations 2011,

The Chief Finance Officer must ensure that the financial affairs of the PFCC are properly administered, having regard to their probity, legality and relevant standards. Whilst undertaking their duties, the interim s151 Officer must comply with all relevant statutory and regulatory requirements as well as:

- The Police and Social Responsibility Act 2011 and other relevant legislation issued under this Act
- Financial Regulations
- Home Office Financial Management Code of Practice for the police service
- CtPFA Statement on the role of the Chief Finance Officer of a PCC
- Contract Regulations
- OFPCC and Essex Police employment policies and procedures
- The PFCC's Constitution
- The Data Protection Act 1998, the Freedom of Information Act 2000 and General Data Protection Regulation (GDPR)

NOT PROTECTIVELY MARKED

- Health and Safety at Work legislation and codes
- The Equality Act 2010 and related equality and diversity regulations and guidance

10. Staffing implications

Approval of the interim deputy section 151 role does not create any new posts nor increase the establishment within the PFCC's office.

11. Equality and Diversity implications

There are no equality and diversity implications.

12. Risks

The role of the S151 Officer is a statutory appointment and, as such, it is not an option for the PFCC not to make this interim appointment.

13. Governance Boards

This interim appointment is a statutory appointment that is made by the PFCC and not subject to endorsement from any related Governance Bodies. In due course, the permanent appointment will be subject to a confirmation hearing by the Police, Fire and Crime Panel in accordance with the Police Reform and Social Responsibility Act 2011.

14. Background papers

Decision reports 039-18, 065-19 and 096-19.

Report Approval

The report will be signed off by the OPFCC Chief Executive and Treasurer prior to review and sign off by the PFCC / DPFCC.

Chief Executive / M.O. Sign: [Signature]
Print: P. SCANT-BREWSTER
Date: 23 December 2019

Chief Finance Officer / Treasurer Sign:
Print:
Date:

NOTED
BUT NOT
SIGNED DUE
TO CONFLICT
OF INTEREST
MSJ
24/12/19

Publication

Is the report for publication? YES
NO

If 'NO', please give reasons for non-publication (Where relevant, cite the security classification of the document(s). State 'None' if applicable)

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..... N/A

If the report is not for publication, the Chief Executive will decide if and how the public can be informed of the decision.

Redaction

If the report is for publication, is redaction required:

1. Of Decision Sheet? YES NO
2. Of Appendix? YES NO

If 'YES', please provide details of required redaction:

N/A .
Date redaction carried out:

Treasurer / Chief Executive Sign Off – for Redactions only

If redaction is required, the Treasurer or Chief Executive is to sign off that redaction has been completed.

Sign:

Print:

Chief Executive/Treasurer

Date signed:

Decision and Final Sign Off

I agree the recommendations to this report:

Sign: *J. Gardner*

Print: *JANE GARDNER*

PFCC/Deputy PFCC

Date signed: *24 December 2019*

I do not agree the recommendations to this report because:

.....

Sign:

Print:

PFCC/Deputy PFCC

Date signed: