

PFCC Decision Report

Report reference number: 050/2020

Classification: Not protectively marked

Title of report: Interim Appointment – PFCC’s Section 151 Officer

Area of county / stakeholders affected: Countywide; Essex County Council

Report by: Pippa Brent-Isherwood (Chief Executive and Monitoring Officer)

Date of report: 8 April 2020

Enquiries to: pippa.brent-isherwood@essex.police.uk

1. Purpose of the report

To appoint Elizabeth Helm (Senior Finance Business Partner at Essex County Council) as the interim Section 151 ('S151') officer to the PFCC in relation to policing and crime matters, and to delegate to her the appropriate powers and functions to perform this role for the foreseeable future, until a permanent appointment to the new Head of Finance role is made.

2. Recommendations

- 1 That Elizabeth Helm (Senior Finance Business Partner at Essex County Council) is appointed to act as the interim S151 officer to the PFCC in relation to policing and crime matters with effect from 14 April 2020.
- 2 That the functions delegated to the Chief Finance Officer under the PFCC's Scheme of Delegation be delegated to Elizabeth Helm throughout the period for which she is acting as the interim Section 151 Officer to the PFCC.
- 3 That the delegations previously made to Robert Phillips (Chief Finance Officer to the Kent Police and Crime Commissioner) whilst acting as the interim Section 151 Officer to the PFCC, via decision report 026/2020, be removed with effect from 14 April 2020.
- 4 That the requirement set out in the PFCC's Decision Making Numbering Policy and Procedure for the Section 151 Officer to sign off all decision reports relating to policing and crime matters prior to their approval by the PFCC (which was temporarily dispensed with via decision 026/2020) is reinstated with effect from 14 April 2020.

3. Benefits of the proposal

The proposal will ensure that the Commissioner continues to comply with their statutory requirement to appoint a Section 151 Officer whilst ongoing restructuring of the Commissioner's office is completed.

4. Background and proposal

Within the PFCC's established structure, the Treasurer role is the statutory Section 151 Officer to the Commissioner in respect of policing and crime matters. This post has been unoccupied since March 2018, initially due to ill health and then following the incumbent's passing. The post has remained vacant during a review of the PFCC's establishment and subsequent staff consultation on restructuring proposals, which are to be implemented on 14 April 2020.

During this period, up until 6 February 2020, the PFCC's former Financial Scrutiny Officer undertook additional duties to fulfil the statutory Section 151 Officer role in respect of the Commissioner's policing and crime functions. The new structure that is now to be implemented removes both the existing Treasurer role and the existing Financial Scrutiny Officer role and creates two new roles of Strategic Head of Performance and Resources and Head of Finance, with the latter including the statutory Section 151 role. The former Financial Scrutiny Officer left the PFCC's employment on 29 February 2020 and gave notice of reversion to their substantive post with effect from 6 February 2020. This leaves both new roles to be externally recruited to.

This situation left the Commissioner with an urgent requirement to designate an alternative Section 151 Officer to fulfil the statutory requirements associated with this role until the new Head of Finance role is appointed. As the interim Section 151 Officer needs to be both suitably qualified (as specified in legislation) and appropriately vetted to access police systems, the Chief Constable offered the support of Debbie Martin, Essex Police's Chief Finance Officer, for the immediately foreseeable future, with effect from 6 February 2020. This arrangement was formalised via decision report 019/2020. That decision report noted that these arrangements would not be sustainable beyond the short term due to the existing demands on Debbie in her substantive role and that, as such, this would be a short term solution to ensure the Commissioner's continued compliance with their statutory duties while more sustainable interim arrangements were put in place pending recruitment to the permanent role.

Shortly afterwards, the Kent Police and Crime Commissioner also offered the services of their Chief Finance Officer, Robert Phillips - who is both appropriately qualified and police vetted – to fulfil the statutory Section 151 Officer requirements of the role until the selection and vetting process has been completed. This offer was accepted via decision 026/2020. This allowed Debbie to revert to focusing solely on her substantive duties as Chief Finance Officer to the Chief Constable but still provided a limited (though compliant) level of support, which has been provided remotely as and when required.

Since 6 February, parallel discussions have therefore been held with Essex County Council, which has agreed to provide the PFCC with an interim Head of Finance until the role is recruited to permanently. A suitably qualified individual (Elizabeth Helm) has been identified from within Essex County Council's Finance

NOT PROTECTIVELY MARKED

Department to fulfil this role, who has now also passed police vetting requirements. She is now able to take on the role for 2.5 dedicated days per week until further notice. Elizabeth has significant experience of working in a strategic finance environment and already has a number of contacts in Essex Police's Finance Department due to her work with the Essex Finance Officers Association and specifically on the Council Tax sharing arrangements.

In order for Elizabeth to fulfil this role, the following functions delegated to the Chief Finance Officer under the PFCC's Scheme of Delegation need to be delegated to her during the period for which she is acting as the interim Section 151 Officer to the PFCC:

- 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 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.

Alternative options to those previously implemented and now recommended were explored, including sourcing a longer period of interim cover for the Head of Finance role from elsewhere within Essex Police's Finance department. Unfortunately it was not possible to secure this at the pay grade the role has been evaluated at.

6. Police and Crime Plan

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

7. Police operational implications

There are no operational implications of this decision for Essex Police.

8. Financial implications

Essex County Council's charge out rate for Elizabeth, including her additional travel expenses and technical and managerial support from across the wider ECC Finance team will be £450 per day or £1,125 per week.

9. Legal implications

Section 151 of the Local Government Act 1972 requires the Commissioner 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 within Section 151 of the Act. The Section 151 Officer has a statutory responsibility to manage the Commissioner's financial affairs in accordance with this legislation, and also in the manner 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
- CIPFA Statement on the role of the Chief Finance Officer of a PCC
- Contract Regulations
- The PFCC's Constitution
- The Data Protection Act 2018, the Freedom of Information Act 2000 and General Data Protection Regulation (GDPR)
- The Equality Act 2010 and related equality and diversity regulations and guidance

The arrangement between the PFCC and Essex County Council will be governed by a Memorandum of Understanding signed by both parties.

10. Staffing implications

Approval of these arrangements 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 arising from this decision.

12. Risks

As it is not a permanent arrangement, there is a risk that Essex County Council may need to withdraw this support from the PFCC's office at some point in the future due to other competing demands on their resources. For this reason, it is important that permanent arrangements are put in place as expediently as possible.

The advert for the Strategic Head of Performance and Resources role is going live on 14 April 2020, and a specialist recruitment agency has been appointed to support the recruitment in order to maximise the likelihood of a successful appointment. Appointment to the Head of Finance role is to commence as soon as the more senior role is appointed to.

13. Governance Boards

This interim arrangement is entered into by the PFCC and Essex County Council and is not subject to endorsement from any related governance bodies. In due course, the permanent appointment to the new Head of Finance role will be subject to a confirmation hearing by the Police, Fire and Crime Panel in accordance with the requirements of the Police Reform and Social Responsibility Act 2011.

14. Background papers

Decision report 026/2020

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:

Print: P. Brent-Isherwood

Date: 8 April 2020

Chief Finance Officer / Treasurer

Sign: N/A – Below the current threshold for

Print: CFO approval

Date:

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)

.....
.....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

2. Of Appendix?

YES

NO

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: 

Roger Hirst

Print:

PFCC

Date signed: 8 April 2020

I do not agree the recommendations to this report because:

.....

Sign:

Print:

PFCC