

PFCC Decision Report

Report reference number: 042/22

Classification: OFFICIAL

Title of report: Temporary delegation of Section 151 Officer functions

Area of county / stakeholders affected: Countywide

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

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

Date of report: 2 March 2022

Enquiries to: Pippa Brent-Isherwood (Chief Executive and Monitoring Officer)

1. Executive Summary

The PFCC is required always to have in place a "Section 151 Officer" to be responsible for the proper administration of their financial affairs, who must be a member of an accountancy body specified in section 113 of the Local Government Act 1998. Such person fulfils the duties outlined in section 151 of the Local Government Act 1972 on behalf of the PFCC and is their lead professional advisor on financial matters under section 73 of the Local Government Act 1985 and section 112 of the Local Government Finance Act 1998.

This role is currently fulfilled by the PFCC's Head of Finance, Julia Berry, who is due to leave the PFCC's employment on 15 March 2022. The designation of the PFCC's existing Strategic Head of Performance and Resources as their Section 151 Officer with effect from 16 March 2022 has already been confirmed by the Police, Fire and Crime Panel.

Mrs. Berry has annual leave booked for the end of her tenure with the PFCC's office, from 3 March 2022. This means that, whilst she will remain designated as the PFCC's Section 151 Officer until her departure on 15 March 2022, she will not be available to

act in that capacity for that period. Temporary arrangements therefore need to be put in place to authorise an alternative member of staff to act in her absence until the new arrangements come into effect on 16 March 2022.

This report therefore proposes to delegate to Janet Perry (the PFCC's Strategic Head of Performance and Resources) the appropriate powers and functions to act as the Section 151 Officer to the PFCC for the period 3 – 15 March 2022 inclusive, prior to her permanent designation in this role with effect from 16 March 2022.

2. Recommendations

That the functions delegated to the Chief Finance Officer under the PFCC's Scheme of Delegation be delegated to Janet Perry (Strategic Head of Performance and Resources) for the period 3 – 15 March 2022 inclusive.

3. Background to the Proposal

Within the PFCC's established structure, the Head of Finance is the statutory Section 151 Officer to the Commissioner in respect of policing and crime matters. As set out above, the PFCC's Head of Finance is due to leave their employment on 15 March 2022, and has annual leave booked from 3 March 2022 until then. This means that the Commissioner needs to delegate temporarily the functions and powers of the Section 151 Officer to the Strategic Head of Performance and Resources so that they are able to fulfil the statutory requirements associated with this role until permanently designated with effect from 16 March 2022. These functions are:

- 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 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 review financial and contract regulations, in consultation with the force, for approval by the PFCC or the Deputy PFCC.
- To prepare and review an 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.

4. Proposal and Associated Benefits

The proposal will ensure that the Commissioner continues to comply with their statutory requirements under section 151 of the Local Government Act 1972 during the impending period of annual leave of the outgoing Head of Finance.

5. Options Analysis

There is a statutory requirement always to have in place a person who can undertake the functions of the Section 151 Officer on behalf of the PFCC, and nobody else in the PFCC's establishment other than Mrs. Perry has the professional and technical qualifications required by statute to carry out these functions. These functions could potentially have been delegated for this very short period to an appropriately qualified officer within either Essex Police or the Essex County Fire and Rescue Service but, given that Mrs. Perry already exercises line management oversight of the Section 151 Officer role, alongside the fact that she has already been confirmed as taking over the role permanently from 16 March 2022, the recommendations presented in this report are considered to offer the most effective solution to this very short-term challenge.

6. Consultation and Engagement

This proposal is being put to the PFCC with the consent of the Strategic Head of Performance and Resources.

As set out above, her permanent designation as the PFCC's Section 151 Officer with effect from 16 March 2022 has already been consulted on and endorsed by the Police, Fire and Crime Panel through a Confirmation Hearing held on 3 February 2022.

7. Strategic Links

The role of the Section 151 Officer is pivotal to the successful delivery of the Police and Crime Plan and of the Local Business Case for Joint Governance.

8. Police operational implications

There are no operational implications of this decision for Essex Police. Finance colleagues within Essex Police are already required to work closely with Mrs. Perry in her existing role as Strategic Head of Performance and Resources.

9. Financial implications

There are no financial implications of this decision, which is to be implemented within existing resources.

10. 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

“Section 151 Officer” to have responsibility for those arrangements. 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.

The only legal requirements associated with the designation of the PFCC’s Section 151 Officer are that the candidate must be a member of one or more of the bodies stipulated in section 113 of the Local Government Finance Act 1988, and that the Chief Finance Officer cannot be the same person as the Monitoring Officer. Given that the PFCC has an existing member of their Senior Management Team (SMT) with protected employment rights who meets these criteria, the PFCC has decided to waive the full recruitment process set out in the Constitution that is followed when an existing post becomes vacant and designate their existing Strategic Head of Performance and Resources as their Section 151 Officer with effect from 16 March 2022.

11. Staffing implications

Approval of these interim arrangements does not create any new posts nor increase the establishment within the PFCC’s office.

12. Equality, Diversity and Inclusion implications

There are no equality, diversity or inclusion implications arising out of this report.

13. Risks and Mitigations

No risks have been identified relating to these proposed interim arrangements.

14. Governance Boards

This interim arrangement is not subject to endorsement from any governance boards. However, Mrs. Perry’s permanent appointment as the PFCC’s Section 151 Officer with effect from 16 March 2022 has already been consulted on and endorsed through a confirmation hearing by the Police, Fire and Crime Panel in accordance with the requirements of the Police Reform and Social Responsibility Act 2011.

15. Links to Future Plans

As set out above, Mrs. Perry’s permanent designation as the PFCC’s Section 151 Officer with effect from 16 March 2022 has already been confirmed by the Police, Fire and Crime Panel.

16. Background Papers and Appendices

Proposed Designation of the PFCC’s Chief Finance (“Section 151”) Officer – Report to the Essex Police, Fire and Crime Panel (3 February 2022)

Essex Police, Fire and Crime Panel – Confirmation Hearing re Proposed designation of the PFCC’s Chief Finance (“Section 151”) Officer – Letter from the Vice Chairman of the Essex Police, Fire and Crime Panel to the PFCC (9 February 2022)

Report Approval

The report will be signed off by the PFCC’s Chief Executive and Chief Finance Officer prior to review and sign off by the PFCC / DPFCC.

Chief Executive / M.O.

Sign:

Print: P. Brent-Isherwood

Date: 2 March 2022

Chief Finance Officer

Sign:

Print: Julia Berry.....

Date: 3 March 2022.....

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*)

.....
.....None.....

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	<input type="checkbox"/>	2. Of Appendix?	YES	<input type="checkbox"/>
	NO	<input checked="" type="checkbox"/>		NO	<input checked="" type="checkbox"/>

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

.....
.....N/A.....

Date redaction carried out:

Chief Finance Officer / 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 / Chief Finance Officer

Decision and Final Sign Off

I agree the recommendations to this report:

Sign: 

Print: Roger Hirst

PFCC

Date signed: 7 March 2022

I do not agree the recommendations to this report because:

.....
.....

Sign:

Print:

PFCC/Deputy PFCC

Date signed: