

Committee Administrator: Democratic Services Officer (01609 767015)

Monday, 8 August 2022

Dear Councillor

Notice of Meeting

Meeting	Council
Date	Tuesday, 16 August 2022
Time	10.00 am
Venue	Council Chamber, Civic Centre, Stone Cross, Rotary Way, Northallerton, DL6 2UU

Yours sincerely

J. Ives.

Dr Justin Ives
Chief Executive

To: All Members of Hambleton District Council

Note: Members of the press and public are also able to observe the meeting virtually via Teams. Please click on the link on the website or dial 020 3855 5195 followed by the Conference ID: 702 205 417# For further information please contact Democratic Services on telephone 01609 767015 or email committeeservices@hambleton.gov.uk

Agenda

Page No

1. Minutes 1 - 4
To confirm the minutes of the meeting held on 26 July 2022 (C.6 - C.9), attached.
2. Apologies for Absence
3. Announcements by the Chairman or Chief Executive
4. Verbal Statement of the Leader
5. Question Time
None received.
6. Appointment of Section 151 Officer - Management Team Restructure of Responsibilities 5 - 8
Report of the Deputy Chief Executive
7. Notices of Motion
None received.

Agenda Item 1

Minutes of the meeting of the Council held at
2.00 pm on Tuesday, 26th July, 2022 at
Council Chamber, Civic Centre, Stone Cross,
Rotary Way, Northallerton, DL6 2UU

Present

Councillor A Wake (in the Chair)

Councillor	P Atkin	Councillor	R Kirk
	P Bardon		N A Knapton
	M A Barningham		C A Les
	G W Dadd		B Phillips
	C A Dickinson		G Ramsden
	D B Elders		M S Robson
	Mrs B S Fortune		Mrs I Sanderson
	B Griffiths		M G Taylor
	R W Hudson		P R Thompson
	D Hugill		S Watson
	K G Hardisty		D A Webster
	P A James		P R Wilkinson

Apologies for absence were received from Councillors J Noone, A Robinson, D Watkins and Honorary Alderman M J Prest

C.6 Minutes

The decision:

That the minutes of the meetings held on 17 May 2022 (C.35 - C.37) and the Annual Meeting of Council held on 17 May 2022 (C.1 - C.5), previously circulated, be signed as correct records.

C.7 Statement of the Leader and Referrals from Cabinet

The Leader moved Cabinet minutes CA.1 – CA.2 (7 June 2022) and CA.9 – CA.12 (5 July 2022) and made a statement to the Council on the following matters:-

- Local Government Reorganisation
- Crematorium
- The Treadmills Project
- #DiscoverHambleton
- Linton-on-Ouse – Asylum Seekers Accommodation

A question was asked based on the statement. The main issue which the Leader responded to was in relation to Local Government Reorganisation and staff retention and recruitment.

The Decision:

That the reports, resolutions and recommendations of the following meetings of the Cabinet be received, approved and adopted:-

Body	Date of Meeting	Minute Nos
Cabinet	7 June 2022	CA.1 – CA.2
	5 July 2022	CA.9 – CA.12

C.8 Cabinet Portfolio Statements

- (a) Councillor P R Wilkinson, Portfolio Holder for Economic Development and Finance made a statement regarding the Apprentice Scheme; Heritage Hub and C4DI Northallerton.
- (b) Councillor P R Thompson, Portfolio Holder for Leisure made a statement regarding the Sports Villages at Sowerby and Northallerton; the Arts project in Northallerton; Public Sector Decarbonisation Scheme; post Covid Leisure Centres and staffing at Leisure Centres.
- (c) Councillor Mrs I Sanderson, Portfolio Holder for Governance made a statement regarding markets; car parking; communications; ICT; Customer Services and Local Government Reorganisation. A question was asked in relation to car parking in Stokesley which was responded to at the meeting.
- (d) Councillor D Webster, Portfolio Holder for Planning made a statement regarding the Local Plan; Supplementary Planning Documents; Development Management and Nutrient Pollution.
- (e) Councillor S Watson, Portfolio Holder for Environmental Health, Waste and Recycling made a statement regarding Waste and Street Scene (garden waste; diesel; Local Government Reorganisation and staff retention); Environmental Health (food; new management Information System and Local Government Reorganisation) and Climate Change (Queen's Green Canopy; Outreach and Action Plan priorities).
- (f) Councillor M G Taylor, Portfolio Holder for Transformation and Projects made a statement regarding the Maple Park Crematorium and Local Government Reorganisation – HR and Workforce Workstream Members' Working Group.

C.9 **Changes to Political Group and Allocation of Seats to Committees**

All Wards

The Chief Executive presented a report which provided details of the recalculation of political proportionality of the Council following recent changes to the Conservative Group, and the resulting amendments to the number of places on, and membership of, the Council's committees for the remainder of the 2022-23 municipal year (i.e. up until the end of the Council on 31 March 2022).

The changes were required because Councillor David Hugill was no longer a member of the Conservative Group. Councillor Hugill had not joined any other Group and therefore remained as an unaligned Member for the purposes of calculating political proportionality and the allocation of seats to Committees

The decision:

That:-

- (1) the changes to the membership of political groups on the Council and the subsequent recalculation of political proportionality on the Council's Committees be noted;
- (2) Councillor C Dickinson be removed from the Investigations and Disciplinary Committee and Councillor D Hugill be allocated this seat; and
- (3) Councillor D Hugill remains on the Appeals Committee.

Note: Councillor D Hugill declared a personal and prejudicial interest and left the meeting at 2.19pm prior to any discussion and voting on the above item.

The meeting closed at 2.21 pm

Chairman of the Council

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Hambleton District Council

Report To: Council

Date: 16 August 2022

From: Deputy Chief Executive

Subject: **Appointment of Section 151 Officer – Management Team
Restructure of Responsibilities**

Wards Affected: All Wards

1.0 Purpose and Background

- 1.1 This purpose of this report is to seek approval for the appointment of the Chief Executive (Head of Paid Service) to the role of Section 151 Officer until 31 March 2023 and for the reallocation of the wider non-section 151 functions of the Director of Finance and Commercial.
- 1.2 The Council is legally required to appoint three ‘statutory’ officers. These are the Head of Paid Service (the Council’s Chief Executive), the Monitoring Officer (currently the Director of Law and Governance) and the Section 151 Officer/Chief Finance Officer (currently the Director of Finance and Commercial). The Section 151 Officer is responsible for, amongst other things, the proper administration of the Council’s financial affairs and is required to be a suitably qualified and experienced individual holding a recognised professional accountancy qualification.
- 1.3 The Council’s most recent Director of Finance left the organisation in August 2021. Due to uncertainties at that time surrounding Local Government Reorganisation (and its likely impact on the ability to recruit a suitable permanent replacement) the Council on 27 July 2021 agreed to appoint through a recruitment agency an external interim Section 151 Officer/Director of Finance for three days per week for a period of up to twelve months (minute C.8 refers). The “value for money” of this arrangement was to be kept under review. The decision was considered at that time to be the most practical way of filling the role pending a decision on Local Government Reorganisation and also allowed the Council suitable flexibility should alternative arrangements be necessary or preferable, not least in ensuring continued value for money for the Council.
- 1.4 The agreement with the recruitment agency for the provision of external Section 151 support expired on 29 July 2022. The Council is asked to approve alternative arrangements. This requires the appointment of a suitably qualified ‘officer’ to fulfil the Section 151 role. Given there is only seven months left before the Council is abolished, the fact that the Council has set its budgets for the financial year, and that this Council will not be setting its revenue budget, capital programme or council tax for 2023/24, it is considered that the additional expense of recruiting further external Section 151 support cannot be justified in the context of best value. It is proposed therefore that the Section 151 role be undertaken by an existing officer of the Council until 31 March 2023.

- 1.5 Having spoken to relevant staff it has become apparent that the Chief Executive is the only suitably qualified and experienced officer who is able to undertake the Section 151 role. Although there is no legal impediment to the Head of Paid Service (Chief Executive) also undertaking the section 151 role, it would not under normal circumstances be a recommended course of action. This is because the three statutory officers have distinct and independent roles and form a triumvirate to ensure probity and good governance. However, given the exceptional circumstances arising from the current transition to single-tier local government in North Yorkshire, the limited time left to the Council, and the reduction in the financial work required before dissolution on 31 March 2023 it is an approach which Council is asked to consider and endorse.
- 1.6 In proposing to appoint the Chief Executive as the Section 151 officer, consideration has been given to possible impacts upon good governance, the dilution of the leadership capacity of the Council, and the ability to discharge effectively the Section 151 responsibilities and those of the Head of Paid Service. Nevertheless, in the time left to the Council it is considered that these matters can be properly addressed, and that the proposal presents a practical and the most cost-effective way of ensuring both roles are delivered effectively.
- 1.7 The Chief Executive is aware of the distinct obligations of both roles and is satisfied he can discharge the respective functions until 31 March 2023. If it is considered that additional checks and balances are required on any particular matter to ensure the respective statutory responsibilities are appropriately discharged, or in the event that the Chief Executive may be considered to have a sufficient conflict of interest in any specific matter, then independent external advice will be sought to mitigate any possible risk and ensure both that he can discharge his statutory responsibilities guided by such advice and likewise the Council can benefit from such advice in exercising its functions. It is proposed in these circumstances that authority is delegated to the Deputy Chief Executive to arrange and commission such support.
- 1.8 As well as designating the Chief Executive as Section 151 officer, there is a need to reallocate the other responsibilities of the Director of Finance and Commercial. This is to ensure there is appropriate Management Team support and supervision of those functions. Some of these responsibilities had already been moved to other officers on the appointment of the interim S151/Director of Finance in July 2021. It is proposed that the Chief Executive is authorised to allocate the remaining services amongst the Council's senior management team.

2.0 Link to Council Priorities

- 2.1 Sound financial management is a key which runs through all the Council's priorities.

3.0 Legal Implications

- 3.1 Under Section 151 of the Local Government Act 1972, every local authority shall make arrangements for the proper administration of its financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs.

4.0 Financial Implications

4.1 There are no financial implications associated with this report as the relevant functions (section 151 and non-section 151) will be subsumed by existing senior officers.

5.0 Risk Assessment

5.1 There are no significant risks associated with this report.

6.0 Equalities/Diversity Issues

6.1 There are no equalities or diversity issues associated with this report.

7.0 Recommendation

7.1 It is recommended to Council that:-

- (1) The Chief Executive is appointed as Section 151 Officer until 31 March 2023.
- (2) Authority is delegated to the Deputy Chief Executive to commission independent external advice and support, in the event that the Chief Executive acting as Head of Paid Service and/or Section 151 Officer may be considered to have a conflict of interest on the basis described in this report.
- (3) The Chief Executive is authorised to allocate any remaining services of the Director of Finance and Commercial amongst the senior management team.

Mick Jewitt
Deputy Chief Executive

Background papers: None

Author ref: MJ

Contact: Mick Jewitt
Deputy Chief Executive

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