

REPORT TO ABERDEENSHIRE COUNCIL – 23 SEPTEMBER 2021

APPOINTMENT OF SECTION 95 OFFICER

1 Reason for Report / Summary

- 1.1 This report relates to the appointment of the Council's Section 95 Officer in line with the statutory requirements of Section 95 of the Local Government (Scotland) Act 1973 and the powers reserved to Full Council in the Scheme of Governance.

2 Recommendations

Full Council is recommended to:

- 2.1 Note the statutory requirement for Aberdeenshire Council to appoint a Section 95 Officer; and**
- 2.2 Agree that Mary Beattie be appointed as the Section 95 Officer of Aberdeenshire Council.**

3 Purpose and Decision Making Route

- 3.1 Section 95 of the Local Government (Scotland) Act 1973 ('the 1973 Act') requires every local authority to make arrangements for the proper administration of its financial affairs and to secure that a Proper Officer of the authority has the responsibility of administration of those affairs.
- 3.2 At its meeting on 28 November, 2013 (Item 6), Full Council agreed that the post of Head of Finance be designated Proper Officer for the purposes of Section 95 of the 1973 Act. It is now proposed that Mary Beattie, Head of Finance, be appointed as Section 95 Officer for Aberdeenshire Council.

4 Discussion

- 4.1 Section 95 of the Local Government (Scotland) Act 1973 provides that "*every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that the proper officer of the authority has responsibility for the administration of those affairs.*"
- 4.2 Aberdeenshire Council's Section 95 Officer is the Head of Finance. The Head of Finance is therefore a role for which the Council retains a statutory responsibility and is a politically restricted position.
- 4.3 The recent recruitment of the Head of Finance following a robust process and the selection of Mary Beattie was agreed by the Council's Appointments Committee.

4.4 The Head of Finance will be responsible for developing and implementing finance functions and strategy across Aberdeenshire Council. This includes of overseeing:

- Revenues
- Benefits
- The Council's Budget
- Payments
- Treasury
- Council Tax Collection

4.5 In fulfilling their role as the Section 95 officer of Aberdeenshire Council the Head of Finance must lead the promotion and delivery by the whole authority of good financial management to safeguard public money and use it appropriately, economically, effectively and efficiently. They must take part and influence all material business decision to ensure both immediate and long-term implications, opportunities and risk are fully considered and aligned with the authority's financial strategy.

5 Council Priorities, Implications and Risk

5.1 This report helps deliver the following Strategic Priorities:-

Pillar	Priority
Our People	Education Health & Wellbeing

Underpinning the Priorities are a number of key principles. The relevant principles are: right people, right places, right time; and responsible finances.

5.2 The table below shows whether risks and implications apply if the recommendation(s) is (are) agreed.

Subject	Yes	No	N/A
Financial			X
Staffing			X
Equalities and Fairer Duty Scotland			X
Children and Young People's Rights and Wellbeing			X
Climate Change and Sustainability			X
Health and Wellbeing			X
Town Centre First			X

- 5.3 There are no staffing or financial implications.
- 5.4 An integrated impact assessment is not required because the position of Section 95 Officer is a statutory requirement and does not have a differential impact on any of the protected characteristics.
- 5.5 The following risks has been identified as relevant to this matter on a [Corporate Level](#):
- ACORP003 Workforce (attracting and retaining the right skills, performance and reward package)
- 5.6 The following risks have been identified as relevant to this matter on a [Strategic Level](#):
- BSSR003 We live within our means and use public money to maximise outcomes for our communities. The appointment of the Head of Finance and Section 95 Officer will ensure the Council's statutory responsibility for the proper administration of Council funds and will support an environment of advice and guidance to enable the proper use of public funds by Services.

6 Scheme of Governance

- 6.1 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and had no comments to make and are satisfied that the report complies with the Scheme of Governance and relevant legislation.
- 6.2 Full Council is able to consider and take a decision on this item in terms of Section B.10.3 of the List of Committee Powers in Part 2A of the Scheme of Governance as the report relates to the appointment of the Section 95 Officer as a Proper Officer of the Council.

Ritchie Johnston, Director of Business Services

Report prepared by Ruth O'Hare, Legal Service Manager (Governance)
Date 10 September 2021