
The following issue(s) have been raised to assist the council. The council is recommended to take action on the following issue(s) to ensure that the council acts within its statutory and regulatory framework.

Responsible Financial Officer is a Councillor

What is the issue?

The responsible financial officer (RFO) of the council is a councillor.

Why has this issue been raised?

This is a potential breach of S151 of the Local Government Act 1972 which requires the council to take responsibility for making arrangements for the proper administration of their financial affairs, and to ensure that one of their officers has responsibility for the administration of those affairs.

S116 of the Local Government Act 1972 states that a member of the council cannot be appointed as an officer, unless a specific post is created under S112 of the Local Government Act 1972.

What do we recommend you do?

The council must appoint an RFO as soon as possible in order to fulfil its statutory responsibility under S151 of the Local Government Act 1972.

The council should appoint someone, other than a member of the council, as the clerk to fulfil its statutory responsibility under S116 of the Local Government Act 1972. The council may appoint the clerk to be the RFO if the council wishes but this person should not be a member of the council. The appointment of a member to the position of RFO creates internal control weaknesses and internal conflicts of interest which could be avoided if a separate clerk was appointed who also took on the role of RFO.

Further guidance on this matter can be obtained from the following source(s):

Local Council Administration, 8th Edition, Charles Arnold-Baker, Chapter 9

Village Green ownership unknown

What is the issue?

The council has assumed responsibility for maintaining the the Village Green.

Why has this issue been raised?

Ownership of the Village Green is uncertain.

What do we recommend you do?

We recommend that the council takes steps to ascertain the legal ownership of the land. This is to either protect the Council's interest in the land, and/or to ensure the appropriate party incurs maintenance costs.

Further guidance on this matter can be obtained from the following source(s):

Not applicable
