

**REPORT OF THE CHIEF EXECUTIVE AND HEAD OF PAID SERVICE  
MONITORING OFFICER**

**1 Purpose of report**

To report back on the revised Monitoring Officer arrangements put in place in October 2013.

**2 Executive summary**

The report reviews the operation of the Monitoring Officer function over the last 12 months and recommends a way forward for the next 15 months.

**3 Appendices**

Appendix A – Urgent Action relating to Appointment of the Monitoring Officer.

**4 Proposed action:**

- 4.1 It is proposed that Council RESOLVES to designate Sue Lyons, Head of Democratic and Legal Services at Kettering Borough Council as the Borough Council of Wellingborough's Monitoring Officer for a further period of 15 months up to 30 April 2016.**

**5 Background and Discussion**

- 5.1 At the meeting of the Council on 19 November 2013 members made a decision to designate Sue Lyons as the Monitoring Officer for a period of 12 months. The Council agreed to review the appointment after 12 months.
- 5.2 The Leader of the Council agreed an urgent action on 1 December 2014 to extend this appointment for 1 month to allow Council to consider this report. The urgent action paperwork is attached for noting as Appendix A.
- 5.3 The arrangement over the last 12 months has worked well. The off-site nature of the role has not caused any difficulty in dealing with Monitoring Officer issues. In addition, the Council has not had to pay separately for Monitoring Officer services as these have been covered within the overall cost of the legal services shared services arrangements.
- 5.4 Given that things are working well, it is recommended that the arrangement is continued to the end of the next financial year, ie 30 April 2016 and reviewed again at that time.

## **6 Legal powers**

- 6.1 Local Authorities are required to have a designated Monitoring Officer (MO) in accordance with Section 5 of the Local Government and Housing Act 1989.
- 6.2 Section 113 of the Local Government Act 1972 provides the statutory power for Local Authorities to second their staff to other local authorities. Subsection 2 of Section 113 provides that any officer seconded under this provision shall in relation to any enactment be treated as an officer of the authority.
- 6.3 As Head of District Law, Sue Lyons is employed by the host authority, Kettering Borough Council. Under the provisions of S113(2) of the Act Kettering Borough Council can enter into a secondment agreement with BCW to carry out the role of Monitoring Officer.

## **7 Financial risk and value for money implications**

- 7.1 The Council has received good, timely advice on Monitoring Officer related issues and the arrangement has proved to be of very low risk.
- 7.2 The arrangement has been financially very advantageous to the Council and provided good value for money.

## **8 Author**

John Campbell, Chief Executive.

## **9 Consultees**

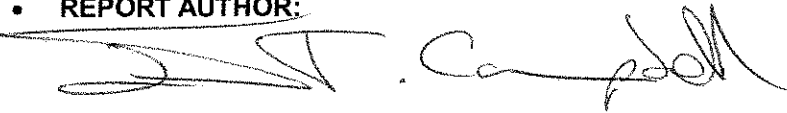

Sue Lyons, District Law  
Geoff Hollands, District Law  
Paula Lawton, Principal Democratic Services Manager

## **10 Background papers**

- 10.1 The Council's Constitution and relevant legislation referred to in the report.
- 10.2 Report to Resources Committee on Senior Management Arrangements – 30 October 2013.
- 10.3 The following background paper to this report contains confidential or exempt information as defined in paragraphs 1 and 2 of Part I of Schedule 12A to the Local Government Act 1972, as amended.

Report to Resources Committee 17 July 2013 titled Restructuring of the Senior Management Team.

**REQUEST FOR URGENT ACTION**  
(In accordance with Section 3.4.09 Urgent Action of the Constitution)

<b>REPORTING COMMITTEE: RESOURCES</b>
<b>DATE OF NEXT MEETING: 17<sup>TH</sup> DECEMBER 2014</b>
<b>PURPOSE OF REPORT:</b>  ON 19 <sup>TH</sup> NOVEMBER 2013, THE COUNCIL RESOLVED TO DESIGNATE SUE LYONS, HEAD OF DEMOCRATIC AND LEGAL SERVICES AT KETTERING BOROUGH COUNCIL AS MONITORING OFFICER FOR A 12 MONTH PERIOD. THIS WAS SUBJECT TO A REVIEW WHICH IS BEING REPORTED TO COUNCIL ON 9 <sup>TH</sup> DECEMBER 2014. IN ORDER TO COVER THE PERIOD FROM 30 <sup>TH</sup> NOVEMBER 2014 UNTIL THE COUNCIL MEETING ON 9 <sup>TH</sup> DECEMBER 2014, AND ANY ACTION RESULTING FROM THAT, THIS URGENT ACTION IS TO DESIGNATE SUE LYONS AS MONITORING OFFICER FOR A FURTHER PERIOD OF UP TO ONE MONTH.
<b>REASON FOR URGENCY:</b>  THE COUNCIL MUST HAVE A DESIGNATED MONITORING OFFICER IN PLACE AT ALL TIMES.
<b>KEY FACTS:</b>
<b>FINANCIAL IMPLICATIONS (SEE BELOW):</b>  NONE
<b>SIGNATURES:</b>  <ul style="list-style-type: none"><li>• <b>REPORT AUTHOR:</b>  <b>DATE: 01.12.2014</b></li><li>• <b>CHAIRMAN/VICE-CHAIRMAN OF COMMITTEE:</b>  <b>DATE: 01.12.2014</b></li></ul>

**NB: To comply with the Constitution this signed urgent action pro forma must be attached to a report to the next meeting of the Committee concerned.**

