

REPORT OF THE MANAGING DIRECTOR AND HEAD OF PAID SERVICE

APPOINTMENT OF A NEW MONITORING OFFICER

1 Purpose of report

To formally appoint Julie Thomas as the council's Monitoring Officer (MO) with effect from 1 September 2017.

2 Appendix

Appendix 1 – Extract from the constitution “Functions of the Monitoring Officer”

3 Proposed action:

COUNCIL is invited to RESOLVE to agree the appointment of Julie Thomas as the Borough Council of Wellingborough’s Monitoring Officer with effect from 1 September 2017.

4 Background

4.1 The Head of Democratic and Legal Services at Kettering Borough Council has been designated as the Borough Council of Wellingborough’s Monitoring Officer since December 2013

4.2 The original designation was on 19th November 2013 and this was extended in December 2014 for a period up to 30th April 2016. An urgent action decision was taken on 19th January 2017 to confirm the ongoing nature of the designation until such time as a review had been carried out, with an end date of no later than 30 December 2017.

4.3 It was agreed as part of the recent management restructure that Julie Thomas would at a point in the future take over the role. Monitoring Officer support will continue to be provided internally through democratic services and the appointment of the assistant directors will help to ensure that further resilience is in place.

5 Discussion

5.1 The current post holder, Sue Lyons, will be leaving Kettering Borough Council with effect from 1 September 2017.

5.2 Council has previously agreed that Julie Thomas would take over the role of Monitoring Officer following a period of training. Both internal and external

training has been provided and ongoing advice will be available from District Law and via external networks.

- 5.3 To ensure that the council complies with the statutory requirement to appoint an MO it is recommended that Julie Thomas be appointed to the role with effect from 1 September 2017 to ensure continuity of cover.

6 Legal powers

- 6.1 Local Authorities are required to have a designated Monitoring Officer in accordance with Section 5 of the Local Government and Housing Act 1989.

7 Financial risk and value for money implications

- 7.1 The council has a budget for Monitoring Officer support and has factored in the cost of the MO allowances to its previous reports on management structure. There will be no budget pressures from the decision.

8 Author

Liz Elliott, Managing Director

9 Consultees

Sue Lyons, District Law
Bridget Lawrence, Director BCW
Julie Thomas, Director BCW

10 Background papers

- 10.1 The council's constitution and relevant legislation referred to in the report.
- 9.2 Report to resources committee on Senior Management Arrangements – 30 October 2013.
- 9.3 Report to council on 9 December 2014 – Monitoring Officer
- 9.4 Report to council on 23^d February 2017 – Monitoring Officer Urgent Action

Appendix 1

Functions of the Monitoring Officer

- (a) Maintaining the Constitution. The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by councillors, staff and the public.
- (b) Ensuring lawfulness and fairness of decision making. After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full council if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) Supporting the standards committee. The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the standards committee.
- (d) Receiving reports. The Monitoring Officer will receive and act on reports made by members of the public.
- (e) Conducting investigations. The Monitoring Officer will conduct investigations into matters referred for investigation by an assessment sub-committee of the standards committee and make reports or recommendations in respect of them to the standards committee hearings sub-committee. As an alternative to investigation the assessment sub-committee may instruct the monitoring officer to pursue alternative resolution.
- (f) Proper officer for access to information. The Monitoring Officer will ensure that decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- (g) Complaints. To investigate all complaints against the council received through the Local Government Ombudsman.
- (h) Restrictions on posts. The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

Appendix 1