

REPORT OF THE MANAGING DIRECTOR AND HEAD OF PAID SERVICE

APPOINTMENT OF A NEW MONITORING OFFICER

1. Purpose of report

To formally appoint Karen Denton as the council's interim monitoring officer (MO) with effect from 9 September 2019.

To update members on the actions taken by the managing director in her role as head of paid service; and by the monitoring officer in line with her delegations, as detailed in the council's constitution.

2. Appendix

Appendix 1 – Extract from the constitution

3. Proposed action: COUNCIL is invited to RESOLVE to;

3.1 AGREE the appointment of Karen Denton as the Borough Council of Wellingborough's (BCW) monitoring officer with effect from 9 September 2019 until such time as a new permanent monitoring officer can be recruited.

3.2 NOTE the actions taken by the managing director in her capacity as head of paid service and by the monitoring officer in line with delegations outlined in the constitution to cover the role of director for place and strategic growth.

4. Background

4.1. Julie Thomas has been the monitoring officer (MO) for this council since September 2017 and will leave the Borough Council of Wellingborough on 9 September 2019.

4.2. The managing director has been discussing the options on how to cover the work of the director post with fellow North Northamptonshire district and borough chief executives but as it is a statutory requirement for the council to have a monitoring officer authority is sought for an interim appointment to fill that role until a permanent appointment is made.

5. Discussion

Appointment of an interim monitoring officer

- 5.1. To ensure that the council complies with the statutory requirement to appoint an MO it is recommended that Karen Denton be appointed to the role with effect from 9 September 2019 to provide continuity of cover.
- 5.2. Both internal and external training will be provided and ongoing advice will be available from District Law and via external networks.

Proposal to cover the role of director of place and strategic growth.

- 5.3. As previously stated the post of director of place and strategic growth will become vacant on 9 September 2019. In addition to this the post of executive director at East Northamptonshire Council (ENC) will also become vacant at around the same time. This post is very similar in nature to the BCW director post.
- 5.4. It is proposed that these two vacancies be covered in an innovative way that enhances shared working and enables us to bring in specialist skills across the future unitary area.
- 5.5. The managing director has been discussing the options with fellow chief executives across the North Northamptonshire area. It was apparent that there was a need for a strong legal professional to lead District Law who could also undertake the role of monitoring officer for both BCW and ENC. In addition there was the need for strong professional planning leadership to head up the growth agenda for the area.
- 5.6. It is proposed to use the opportunity of the two vacancies to cover these needs as follow:
 - Director of growth and infrastructure. This post would be employed by ENC, which already hosts the North Northamptonshire Joint Planning and Delivery Unit, and would involve the line management of planning across ENC, BCW and KBC and environmental services at ENC only as well as taking on a lead role across North Northamptonshire in working with partners in SEMLEP and the Oxford- Cambridge Arc.
 - Head of legal services group for North Northamptonshire. This post would be employed by Kettering Borough Council (KBC), which hosts District Law, a shared legal service in which BCW and KBC are already partners and which ENC and Corby BC are considering joining in the near future. The role would manage District Law, provide the MO role for both BCW and ENC and manage the democratic services teams at ENC and KBC. District Law has in the past previously provided the MO role for BCW.

- 5.7. As well as meeting the immediate needs of ENC and BCW, these arrangements would also provide an excellent basis for merging services further in due course to create single planning, environmental, legal and democratic services across North Northamptonshire in the run-up to unitary, including merging relevant NCC functions.
- 5.8. This proposal represents a change to the structure of the council's management team and to the reporting lines and accountability of some service areas, but it does not affect the terms and conditions of employment, work location or any other aspects of the role of any other member of staff, so there is no need for formal consultation with staff or with Unison. This has been confirmed by ENC in discussion with the Unison Branch Secretary.
- 5.9. As the growth and infrastructure role hosted by ENC will operate across North Northamptonshire, it is proposed that the recruitment process involves the participation of the three borough councils, although the appointment will be made by ENC in line with their recruitment policies. KBC will be taking a similar approach to filling the post of head of legal services group for North Northamptonshire.
- 5.10. Formal agreements will need to be entered into between the councils to confirm the duties of the new posts and set out how the costs will be shared between them.

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.
- 6.2. Under the general power contained in Section 113 of the Local Government Act 1972, a local authority can put its officers at the disposal of another local authority, and those officers are able to make delegated decisions on behalf of that authority, despite remaining an employee of the first authority for salary purposes.

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 appointment of the MO decision.
- 7.2. As both proposed roles will operate across North Northamptonshire, the costs will also be shared between the participating district and borough councils. The split of costs has yet to be determined but the intention is to remain within existing budgets so there will be no requirement for additional funding at this time.

8. Author

Liz Elliott, Managing Director

9. Consultees

Shaun Darcy, Director

Julie Thomas, Director & Monitoring Officer

Karen Denton, Assistant Director

10. Background papers

The council's constitution and relevant legislation referred to in the report.

Extracts from the Constitution

2.10.01 Management structure

(a) **General.** The full Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

(b) **Chief officers.**

The full Council will engage persons for the following posts, who will be designated chief officers:

Post	Functions and areas of responsibility
Managing Director	<ul style="list-style-type: none"> • Overall corporate management and operational responsibility (including overall management responsibility for all officers) • Business transformation • Reputation management • Provision of professional advice to all parties in the decision-making process • Together with the Monitoring Officer, responsibility for a system of record keeping for all the council's decisions

(c) **Head of Paid Service, Monitoring Officer and Chief Finance Officer.** These are statutory appointments and the council will designate the following to these posts:

Designation	Post
Head of Paid Service	Managing Director
Monitoring Officer	Director
Chief Finance Officer (Section 151 Officer)	Head of Finance

These posts will respectively have the functions described in paragraphs 2.11.02, 2.11.03 and 2.11.04.

(d) **Structure.** The Head of Paid Service will publicise a description of the overall officer structure of the council showing the management structure and deployment of officers.

2.10.02 Functions of the Head of Paid Service

(a) **Discharge of functions by the council.** The Head of Paid Service will report to full Council on the manner in which the discharge of the council's functions is co-ordinated, the number and grade of officers required for the discharge of functions, and the organisation of officers.

(b) **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

(c) **Proper Officer.** Until the council decides otherwise, the Head of Paid Service shall be the Proper Officer for the purpose of all statutory provisions, whether existing or future, in respect of which no express Proper Officer appointment has, for the time

being, been made elsewhere in this Constitution. In the event the appointed Proper Officer is unavailable to act the Head of Paid Service shall determine who is to fulfil the Proper Officer role in the interim.

2.10.03 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/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.

3.6 SPECIFIC DELEGATIONS

RESOURCES COMMITTEE

Delegation to officers by the Resources Committee

(a) Head of Paid Service, in compliance with financial regulations, contract rules of procedure, agreed budgets and policies of the council:

- i. Appoint an interim Chief Officer or Deputy Chief Officer.
- ii. Restructure the establishment.
- iii. Authorise variations to the approved establishment within the agreed budget.
- iv. Act as the responsible officer for emergency planning.
- v. Approve service plans, in accordance with the agreed policy framework.