

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

**NOTIFICATION OF URGENT ACTION - MONITORING OFFICER**

**1 Purpose of report**

To report the use of the urgent action process to extend the appointment of the Monitoring Officer.

**2 Appendix**

Request for urgent action with regard to the Monitoring Officer position.

**3 Proposed action:**

**COUNCIL is invited to RESOLVE to note and endorse the appointment of Sue Lyons, Head of Democratic and Legal Services at Kettering Borough Council as the Borough Council of Wellingborough's Monitoring Officer until 30<sup>th</sup> December 2017 or earlier subject to the outcome of a structural review.**

**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 19<sup>th</sup> November 2013 and this was extended in December 2014 for a period up to 30<sup>th</sup> April 2016.

4.3 In January 2017 it became apparent that a planned review had not taken place following April 2016 and due to numerous other priorities is unlikely to take place until sometime later in 2017. An urgent action decision was taken on 19<sup>th</sup> January 2017 to confirm the ongoing nature of the designation until this review has been carried out. This report in line with 3.04.09 of the constitution asks the Council to note and endorse the action that has been taken.

**5 Legal powers**

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

5.2 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.

- 5.3 As Head of Democratic and Legal Services , 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.

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

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

## **7 Author**

John Campbell, Chief Executive.



## **8 Consultees**

Sue Lyons, District Law

## **9 Background papers**

- 9.1 The Council's Constitution and relevant legislation referred to in the report.
- 9.2 Report to Resources Committee on Senior Management Arrangements – 30<sup>th</sup> October 2013.
- 9.3 Report to Council on 9<sup>th</sup> December 2014 – Monitoring Officer
- 9.4 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.
- 9.4 Report to Resources Committee 17<sup>th</sup> July 2013 – Restructuring of the Senior Management Team.

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

<b>REPORTING: FULL COUNCIL</b>
<b>DATE OF NEXT MEETING: 23<sup>RD</sup> FEBRUARY 2017</b>
<b>PURPOSE OF REPORT:</b> TO CONFIRM THE ONGOING APPOINTMENT OF SUE LYONS AS THE COUNCIL'S MONITORING OFFICER (MO).
<b>REASON FOR URGENCY:</b> A PROPOSED REVIEW OF MO ARRANGEMENTS INTENDED TO TAKE PLACE PRIOR TO APRIL 2016 HAS BEEN DELAYED AND AN URGENT DECISION IS REQUIRED TO CONFIRM THE ONGOING APPOINTMENT OF SUE LYONS UNTIL A SUITABLE REVIEW CAN BE CARRIED OUT AND REPORTED TO COUNCIL DURING 2017.
<b>KEY FACTS:</b> FOR REFERENCE SEE REPORT TO COUNCIL IN DECEMBER 2014 – ATTACHED.
<b>FINANCIAL IMPLICATIONS (SEE BELOW):</b> NONE
<b>SIGNATURES:</b> <ul style="list-style-type: none"><li>• <b>REPORT AUTHOR:</b> JOHN T CAMPBELL  <b>DATE:</b> 19<sup>TH</sup> JANUARY 2017</li><li>• <b>COUNCIL LEADER:</b>  <b>DATE:</b> 19.1.2017</li></ul>
<b>IF FINANCIAL IMPLICATIONS SIGNATURE OF:</b> <ul style="list-style-type: none"><li>• <b>CHAIRMAN/VICE-CHAIRMAN OF RESOURCES COMMITTEE:</b> <b>DATE:</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.**