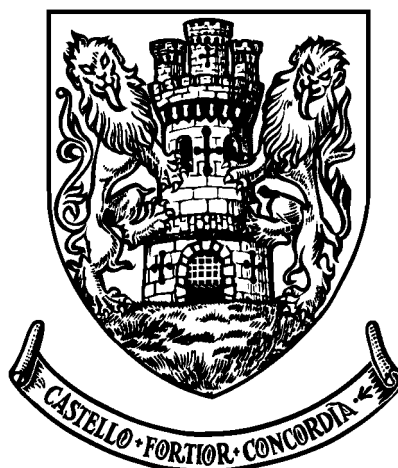


# **NORTHAMPTON BOROUGH COUNCIL**



## **COUNCIL**

Thursday, 17 August 2017

**YOU ARE SUMMONED TO ATTEND AN EXTRAORDINARY MEETING OF NORTHAMPTON BOROUGH COUNCIL, WHICH WILL BE HELD AT THE GUILDHALL NORTHAMPTON ON THURSDAY, 17 AUGUST 2017 AT 6:30 PM WHEN THE FOLLOWING BUSINESS IS PROPOSED TO BE TRANSACTED**

- 1. DECLARATIONS OF INTEREST**
- 2. APOLOGIES.**
- 3. DELEGATING FUNCTIONS OF THE ELECTORAL REGISTRATION OFFICER AND RETURNING OFFICER FOR THE COUNCIL TO THE BOROUGH SECRETARY**

(Copy herewith)

- 4. APPOINTMENT OF A HEAD OF PAID SERVICE ON AN INTERIM BASIS UNTIL FURTHER RESOLUTION OF THE FULL COUNCIL TO APPOINT A PERMANENT CHIEF EXECUTIVE AND HEAD OF PAID SERVICE**

(Copy herewith)

The Guildhall  
Northampton

Democratic Services: e-mail [democraticservices@northampton.gov.uk](mailto:democraticservices@northampton.gov.uk)

Tel 01604 837722

Mail Democratic Services  
Northampton Borough Council  
The Guildhall  
St Giles Square  
Northampton NN1 1DE



# **COUNCIL**

## **Thursday 17 August 2017**

**Agenda Status: Public**

**Directorate:** Borough Secretary and  
Monitoring Officer

<b>Report Title</b>	<b>Delegating functions of the Electoral Registration Officer and Returning Officer for the Council to the Borough Secretary.</b>
---------------------	-----------------------------------------------------------------------------------------------------------------------------------

### **1. Purpose**

---

- 1.1 The purpose of this report is to ask Full Council to approve the delegation of the functions of the Electoral Registration Officer and the Returning Officer to the Borough Secretary from the date of this meeting of Full Council.

### **2. Recommendations**

---

It is recommended that Full Council:

- 2.1 Approve the delegation of the functions of the Electoral Registration Officer and the Returning Officer to the Borough Secretary from the date of this meeting of Full Council and to delegate the power to the Constitutional Review Working Party to amend the constitution to reflect the foregoing changes.

### **3. Issues and Choices**

---

#### **3.1 Report Background**

- 3.1.1 Under Paragraph 1.2.6 of Part B of Part 8 of the Council's Constitution, the roles of Returning Officer and Electoral Registration officer for the Borough of Northampton are delegated to the Chief Executive and Head of Paid Service. There is no statutory requirement for these two roles to be occupied by the same person.
- 3.1.2 Section 8 (2) (a) of the Representation of the People Act 1983 requires that every district council shall appoint an officer of the council to be electoral registration officer for any constituency or part of a constituency situated in

the district or borough. This officer is responsible for the registration of electors within that district or borough.

3.1.3 Section 35 (1) of the Representation of the People Act 1983 requires that every district council shall appoint an officer of the council to be the returning officer for the elections of councillors of the district and an officer of the council to be the returning officer for elections of councillors of parishes within the district. There is nothing in law to prevent the same Council officer from occupying both roles.

3.1.4 The Council has very recently received resignations from two Councillors which means that a By-election is very likely needed. It is imperative that the Council appoints to both statutory roles immediately to enable the electoral process to be properly triggered and progressed.

3.1.5 The Borough Secretary manages electoral services and has acted as Deputy Returning Officer in a number of elections ranging from local to national elections and therefore has the experience for undertaking the roles.

#### **4. Implications (including financial implications)**

---

##### **4.1 Policy**

4.1.1 There are no policy implications to this report or the decision the Full Council is being asked to make.

##### **4.2 Resources and Risk**

4.2.1 It is not anticipated that the Council will incur any additional expenditure in making the decision recommended by this report.

##### **4.3 Legal**

4.3.1 Sections 8 (2) (a) and 35 (1) of the Representation of the People Act 1983 require all district councils to appoint an officer or officers of the Council as the Electoral Registration Officer and the Returning Officer.

4.3.2 Part 8 of the Council's constitution delegates the roles of returning officer and electoral registration officer to the Chief Executive and Head of Paid Service. Although the Council does not currently have a Chief Executive it still has a duty to appoint an officer or officers of the Council as the Electoral Registration officer and the Returning Officer.

##### **4.4 Equality**

4.4.1 There are no specific equality or health implications arising directly from the proposed decision.

##### **4.5 Other Implications**

4.5.1 None.

## **5. Background Papers**

---

5.1 Council Constitution

**Francis Fernandes**  
**Borough Secretary & Monitoring Officer**  
**0300 330 7000**



# **COUNCIL**

## **Thursday 17 August 2017**

**Agenda Status: Public**

**Directorate:** Borough Secretary and  
Monitoring Officer

<b>Report Title</b>	<b>Appointment of a Head of Paid Service on an interim basis until further resolution of the full Council to appoint a permanent Chief Executive and Head of Paid Service.</b>
---------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

### **1. Purpose**

---

- 1.1 The purpose of this report is to ask Full Council to consider and approve the appointment of a Head of Paid Service and Chief Executive on an interim basis until further resolution of the Full Council to appoint a further interim or permanent Chief Executive and Head of Paid Service.

### **2. Recommendations**

---

It is recommended that Full Council:

- 2.1 Approve the appointment of Simon Bovey as the Council's Head of Paid Service from the date of this meeting and to appoint Mr. Bovey as Interim Chief Executive and Head of Paid Service from 6<sup>th</sup> September 2017 until 5<sup>th</sup> March 2018.

### **3. Issues and Choices**

---

#### **3.1 Report Background**

- 3.1.1 Members will be aware that David Kennedy resigned as Chief Executive. Whilst the Head of Paid Service role is distinct from the Chief Executive role, under the Council's constitution, the Chief Executive also holds the statutory Head of Paid Service role.
- 3.1.2 Section 4 of the Local Government and Housing Act 1989 places a legal duty on the Council to appoint "one of its officers" as the Head of Paid Service.

- 3.1.3 The majority of the functions of the Chief Executive under para 1 of Part 8 of the Council's constitution were formally sub-delegated to the Borough Secretary by the previous Chief Executive on 28<sup>th</sup> July 2017, thus enabling the Council to function pending the implementation of alternative arrangements. However, section 5 of the same legislation states that the Monitoring Officer shall not also be the Head of Paid Service. For this reason, the Borough Secretary could not undertake the Head of Paid Service role and it could not lawfully be delegated to him. There is a need for the appointment of a Head of Paid Service at this meeting of the Full Council, pending the formal implementation of secondment arrangements for interim Chief Executive. The Head of Paid Service is responsible for, under the Council's constitution;

*1.1.2. Taking all actions and performing all functions and responsibilities in discharge of the duties of the Head of Paid Service pursuant to Section 4 of the Local Government and Housing Act 1989, including the taking of any actions that are ancillary and incidental thereto*

## **3.2 Decision details**

- 3.2.1 The Council has been in discussions with Daventry District Council about a secondment arrangement for interim Chief Executive cover, pending the Council deciding senior leadership structures going forwards and permanent appointment to the statutory role of Head of Paid Service. The Council and Daventry District Council have agreed that Simon Bovey, current Deputy Chief Executive at Daventry District Council will be seconded to the Council for a period of 6 months. The full secondment will formally commence on 6<sup>th</sup> September 2017. However, Daventry District Council have agreed that Mr. Bovey will accept the appointment of the Head of Paid Service statutory role from this Full Council meeting until the formal commencement of the Interim Chief Executive role.

## **4. Implications (including financial implications)**

---

### **4.1 Policy**

- 4.1.1 There are no specific policy implications to this report or the decision the Full Council is being asked to make.

### **4.2 Resources and Risk**

- 4.2.1 The Council will enter into a formal secondment agreement with Daventry District Council. This agreement is in the process of being concluded. The Council will, under the agreement, be responsible for paying Daventry District Council a fee representing an amount equated to backfill cover for the Deputy Chief Executive role together with additional salary and on costs for the interim role, which will be broadly within the current grade for the post.

### **4.3 Legal**

- 4.3.1 Section 4 of the Local Government and Housing Act 1989 confers upon Northampton Borough Council the duty to designate “one of its officers” as its Head of Paid Service. There is no statutory requirement for this person to be the Chief Executive of the Council.
- 4.3.2 A comprehensive secondment agreement, outlining all the agreed terms and conditions is at an advanced stage of negotiation and will be concluded before the arrangements formally commence. In Employment Law terms, Mr Bovey will remain an employee of Daventry District Council during the secondment arrangement. The Council does have powers to enter such agreements under various powers, including powers under section 113 of the Local Government Act 1972.
- 4.3.3 Once the Council is in a position to appoint this role or equivalent permanently, it will need to comply with the Local Authorities (Standing Orders) Regulations 1993 (SI 1993/202).

### **4.4 Equality**

- 4.4.1 There are no direct equality or health implications arising directly from the proposed decision.

### **4.5 Other Implications**

- 4.5.1 None.

## **5. Background Papers**

---

- 5.1 Draft secondment agreement (confidential)

**Francis Fernandes**  
**Borough Secretary & Monitoring Officer**  
**0300 330 7000**