



NORTHAMPTON
BOROUGH COUNCIL

COUNCIL

27 OCTOBER 2008

Agenda Status: Public

Directorate: Chief Executive's

Report Title	CONFIRMATION OF APPOINTMENTS OF MONITORING OFFICER AND SECTION 151 OFFICER
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1. Summary

Following the restructure of the Council, which took effect on 1 October 2008, there is a need to reaffirm the appointments of the Monitoring Officer and Section 151 Officer due to the re-titling of the post of Solicitor to the Council to Borough Solicitor and Director of Finance to Director of Finance and Support.

2. Recommendations

1. That Council affirms the appointment of Francis Fernandes, Borough Solicitor, as the Council's Monitoring Officer.
2. That Council affirms the appointment of Isabell Procter as the Council's Section 151 Officer.

3. Report Background

A The Monitoring Officer

- 3.1 Section 5 of the Local Government and Housing Act 1989 places a statutory duty upon the Council to appoint a Monitoring Officer to conduct the functions and duties contained within Section 5 of the Act and other relevant legislation. The role oversees legality and governance issues and places a duty on the office holder to report to the Council if they think any proposal, decision or omission would give rise to unlawfulness or maladministration.
- 3.2 The Monitoring Officer also has the role of promoting and maintaining high standards of conduct and probity and in this role supports the Council's Standards Committee and advises individual members on compliance with the Council's Code of Conduct.
- 3.3 Other duties include being the proper officer for ensuring executive decisions, reports and background papers are publicly available and ensuring registers of interest are properly maintained.

3.4 Francis Fernandes has occupied this role as Solicitor to the Council and is recommended to continue it as Borough Solicitor.

B The Section 151 Officer

3.5 Section 151 of the Local Government Act 1972 requires Councils to “make arrangements for the proper administration of their financial affairs and secure that one of their Officers has responsibility for the administration of those affairs”.

3.6 Isabell Procter has occupied this role as Director of Finance and, as currently, Director of Finance and Support, has the appropriate qualifications required by Section 113 of the Local Government Finance Act 1988, ie she is a member of the relevant accountancy body and can act with appropriate authority to fulfil the role of Section 151 Officer and is recommended accordingly.

4. Implications (including financial implications)

4.1 Resources and Risk

Financial Implications

There are no financial implications resulting from this report as both postholders have been carrying out these roles in the old Council structure and this has been taken into account in the job evaluation of the revised posts.

4.2 Legal

If the Monitoring Officer and the Section 151 Officer are not in place the Local Government Act 1972 and the Local Government and Housing Act 1989 would be breached, leaving the Council open to significant challenge if either of these posts is unfilled.

4.3 Other Implications

None.

5. Background Papers

None.

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