



NORTHAMPTON
BOROUGH COUNCIL

Full Council		Date	22/5/06
Report Title	Appointment of Monitoring Officer and Section 151 Officer		
Item No			

Name	Signature	Date	Ext.
Author	Howard Crabtree	16/5/06	7377
Corporate Manager			
Director	Clive Thomas		

Report of: Mairi McLean Chief Executive	Appointment of Monitoring Officer and Section 151 Officer
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Key Decision	NO
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1. Purpose and Brief Summary of the report

To appoint the Council's Monitoring and Section 151 Officers as required by the Local Government and Housing Act 1989 and the Local Government Act 1972 respectively, following interim arrangements during the period 2005/2006.

2. Options Available

	Option	Summary
<i>a</i>	Continue interim arrangements	Continue appointments on a temporary basis
<i>b</i>	Consider alternative employees	Appoint others to these roles

3. Recommendations

- I. That Council affirms the appointment of Francis Fernandes, Solicitor to the Council, as the Council's Monitoring Officer
- II. That Council affirms the appointment of Alison Betts as the Council's Section 151 Officer

4. Relevant Background

The Monitoring Officer: Council considered a report in April 2003 recommending the appointment of Francis Fernandes as Monitoring Officer during the period of the transitional authority.

Following Root and Branch review Francis Fernandes was appointed to a Level 4 Management role in the Council. As a further adjustment to that structure approved by the Chief Executive. Francis Fernandes now occupies the role of "Corporate Manager – Solicitor to the Council" to enable him to focus on compliance, monitoring and legal issues essential to the Council's operation.

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 issues and places a duty on the office holder to report to the Council if he/she thinks any proposal, decision or omission would give rise to unlawfulness or maladministration.

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.

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.

Francis Fernandes currently occupies the role in a temporary capacity. He is the most senior lawyer within the Council and is recommended for appointment as the Council's Monitoring Officer now organisational structures have been established.

The Section 151 Officer: This section (Section 151) of the Local Government Act 1972 requires Councils to "make arrangements for the property administration of their financial affairs and secure that one of their Officers have responsibility for the administration of those affairs"

Council considered a report in September 2005 which recommended that Alison Betts, then the Council's Technical Finance Manager, was qualified as defined in Section 113 of the Local Government Finance Act 1988, to discharge the duties of the role and that she should be appointed to it on a temporary basis. It was also

noted that once the Council's structures had been settled a view would be taken on who should occupy this role.

Alison was appointed Corporate Manager – Finance and Asset Management in April 2006. It is therefore recommended that she be appointed to the role of Section 151 Officer now structures have been settled and her new job confirmed.

5. Evaluation of Alternative Options

	Option	Evaluation Summary
a	Continue interim arrangements	Not sustainable in the long term
b	Consider alternative employees	The named individuals represent the most senior/experienced employees in relation to the roles required and can act with appropriate authority.
c		

6. Consultees (Internal and External)

Internal	Legal Services
External	

7. Compliance Issues

Links to Relevant Council Priorities
Recovery Plan
Failure to maintain appointments to both roles would lead the Authority to be in breach of the respective Acts
Corporate Plan
Corporate Plan would assume both post holders are in place.

Financial Implications
Remuneration contained within salary for the jobs.

Legal Implications
Breach of 1972 and 1989 Acts if S151 and Monitoring Officers not in place.

Risk Management Issues
The Authority is open to significant challenge if either of these posts is unfilled.

Equalities Compliance Issues

The appointments comply with the relevant requirements of Council Employment Policies.
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8. Background Papers

Title	Description	Source
	Previous Reports to Council	On website