

## BOROUGH OF KETTERING

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<b>Report Originator</b>	Martin Hammond Executive Director	<i>Fwd Plan Ref No:</i>	
<b>Wards Affected</b>	All	28 <sup>th</sup> February 2018	
<b>Title</b>	<b>DESIGNATION OF MONITORING OFFICER</b>		

### 1. PURPOSE OF REPORT

To formally approve changes to the Statutory Officer and Proper Officer designations, to enable the Council to comply with legislative requirements.

### 2. INFORMATION

- 2.1 The Council has three key statutory officer posts for which Council must formally approve which officers are designated into which posts. The three posts are: -
- Head of Paid Service
  - Statutory Finance Officer (s151)
  - Monitoring Officer
- 2.2. At its meeting in July 2017, the council confirmed permanent appointments to the first two posts and the temporary appointment of Martin Hammond as Monitoring officer until such time as the post of Head of Legal and Democratic Services was filled.
- 2.3 The Council must appoint a Monitoring Officer to ensure that it complies with statutory requirements. The Monitoring Officer is a statutory appointment pursuant to s5 of the Local Government & Housing Act 1989, and should be a senior member of staff.
- 2.4 Helen Edwards was appointed as the Head of Legal and Democratic Services and commenced work on the 19<sup>th</sup> February. It is proposed that she now be appointed as Monitoring Officer, with effect from 1<sup>st</sup> March 2018.
- 2.5. Helen Edwards will be responsible for appointing her own Deputy Monitoring Officer.
- 2.6. Historically, the Head of Legal and Democratic Services also had a number of proper officer functions (i.e. those delegated statutory powers held as the post holder), which were, in the short term, also re-allocated to other officers. It is proposed to re-unite these roles with the service head role, as follows:-

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Function	To be allocated back to HLDS from:-
Data protection and freedom of information	Executive Director (LH)
Constitutional functions	Executive Director (MH)
Receipt/authentication/certification/signature/sealing of documents including as parish trustee for a parish meeting	Any Member of the Strategic Management Team or their authorised nominee
Any specific delegated function which refers to the need to consult the Head of Legal and Democratic Services	Executive Director (MH) and Senior Property Lawyer

### 3. LEGAL IMPLICATIONS

3.1 As outlined in the report.

### 4. RECOMMENDATIONS

That the Council: -

- 4.1 Appoint Mrs Helen Edwards as the Council's Monitoring Officer under the provisions of s5 of the Local Government & Housing Act 1989) with effect from 1<sup>st</sup> March 2018.
- 4.2 Approve the allocation of Proper Officer functions as set out in the report above, to the Head of Legal and Democratic Services.

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Background Papers:           None

Previous Minutes/Reports:   Council report July 2017

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### Appendix 1

#### PROPER OFFICER FUNCTIONS

Existing Function	Allocation to:-
- HEAD OF CUSTOMER SERVICES	
<b>Data Protection</b>	Executive Director (LJH)
<b>Freedom of Information</b>	Executive Director (LJH)