


Agenda Item No:	3	
Committee:	Council	
Date:	1 JULY 2016	
Report Title:	APPOINTMENT OF ACTING MONITORING OFFICER	

1 Purpose / Summary

- To approve the appointment of Kim Sawyer, Director of Governance - Peterborough City Council, as the Council's Acting Monitoring Officer, with effect from 22 August 2016, to cover a period of maternity leave as the current Acting Monitoring Officer will be leaving the Council on the 21st August 2016.
- To approve the Council entering into a Section 113 agreement which enables local authorities to place officer/officers of one at the disposal of the other for the purposes of discharging the latter's functions.

2 Key issues

- The Monitoring Officer is a statutory appointment pursuant to Section 5 of the Local Government and Housing Act 1989. The officer may not be the Head of Paid Service or the Chief Finance Officer.
- In general terms, the duties of the Monitoring Officer is to report to the authority any proposal, decision or omission by the authority which have given rise to or is likely to give rise to contravention of any law, any code of practice or of any maladministration or injustice.
- Carol Pilson, Corporate Director is the Council's Monitoring Officer and commenced maternity leave in March 2016. To ensure adequate coverage for the Monitoring Officer role, Council appointed Tom Lewis, Senior Solicitor and Deputy Monitoring Officer into the role of Acting Monitoring Officer during this period of maternity leave on the 25 February 2016.
- Kim Sawyer is the Monitoring Officer for Peterborough Council and has good knowledge and experience of the role of a Monitoring Officer and will develop her knowledge and understanding of this Council's Code of Conduct and Constitution.
- The Council currently has a legal partnership arrangement with Peterborough City Council for legal support for planning which commenced on 1 March 2016. The proposed Acting Monitoring Officer arrangements if agreed will be an extension of this with the Council.
- To enable Kim Sawyer to carry out the duties of the Acting Monitoring Officer, the Council will enter into a Section 113 agreement. This agreement is part of the Local Government Act 1972 and allows a local authority to enter into an agreement with another local authority to place an officer of one at the disposal of the other for the purposes of discharging the latter's functions.
- Further to section 2.3 of Article 12 of the Constitution the Monitoring Officer may designate another officer to deputise in their absence. Carol Pilson designated Anna Goodall, Head of Legal and Governance as Acting Deputy Monitoring Officer for the Council on the 25 February 2016 and this will continue.

3 Recommendations

- It is recommended that the Council approves the appointment of Kim Sawyer, Director of Governance - Peterborough City Council, as the Acting Monitoring Officer for the Council, with effect from 22 August 2016, to cover a period of maternity leave.
- It is recommended that the Council approves that Fenland District Council enter into a Section 113 (of the Local Government Act 1972) agreement for the new Acting Monitoring Officer to be able to carry out their duties.

Wards Affected	ALL
Forward Plan Reference	N/A
Portfolio Holder	Cllr John Clark, Leader of the Council
Report Originator	Paul Medd, Chief Executive Rob Bridge, Corporate Director and Chief Finance Officer
Contact Officers	Paul Medd, Chief Executive Rob Bridge, Corporate Director and Chief Finance Officer Carol Pilson, Corporate Director and Monitoring Officer
Background Papers	Section 5 Local Government and Housing Act 1989 Functions and Responsibilities (Amendment) Regs 2001 Constitution