

Council

10 March 2022



Title	Appointment of Monitoring Officer
Purpose of the report	To make a decision
Report Author	Daniel Mouawad Chief Executive
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	Not applicable
Corporate Priority	This item is not in the current list of Corporate Priorities but still requires a council decision.
Recommendations	Council is asked to: To designate Petra Der Man as Monitoring Officer from 21 March 2022
Reason for Recommendation	To comply with the Local Government and Housing Act 1989. The current Monitoring officer, Victoria Statham will leave the Council on 18 March 2022. It is the legal duty of the Council to have a Monitoring Officer and to designate one of its officers as such. Arrangements therefore need to be in place for the interim period.

1. Summary of the report

1.1 This report seeks to ensure that an interim Monitoring Officer is designated in accordance with the Local Government and Housing Act 1989.

2. Key issues

2.1 Under Section 5 of the Local Government & Housing Act 1989, the Council has a duty to appoint a Monitoring Officer. Neither the Head of Paid Service nor the Chief Finance Officer can hold the position of Monitoring Officer. There is no statutory requirement for the position to be held by a legally qualified officer but given the nature of the duties it is expected that the role should be undertaken by a qualified lawyer as it is in most other councils.

2.2 The Monitoring Officer has a number of statutory duties and responsibilities relating to the Council's Constitution and our arrangements for effective governance. These duties include maintaining the Constitution, ensuring that no decision or omission of the Council is likely to give rise to illegality or maladministration and promoting high standards of conduct.

2.3 Article 10.1 (c) of the Constitution provides that it is the responsibility of the Council to designate the Monitoring Officer.

3. Interim Appointment

3.1 On the 24 February 2022 the Council gave delegated authority to the Chief Executive to make an appointment of an Interim Group Head of Corporate Governance. This delegation remains in place for the appointment.

3.2 Following the Council meeting on the 24 February 2022 the proposed candidate decided not to proceed and therefore further discussions with agencies were held, and the Chief Executive and Monitoring Officer interviewed Petra der Man for the interim position.

3.3 Petra has recently retired as the Head of Legal Services/Deputy Monitoring Officer at after 19 years with the London Borough of Lewisham. She has extensive Local Government and governance experience. Although the delegation is to the Chief Executive prior to this Council an informal meeting will take place between the Appointments Committee and Petra.

3.4 The Chief Executive, as Head of Paid Services, proposes to make this appointment to ensure there is sufficient capacity in the Council to deal with issues which may arise before the permanent appointment is made. This avoids undue pressure in the corporate governance teams.

3.5 Approval of the Council is sought to designate this officer as the Monitoring Officer.

4. Options analysis and proposal

4.1 The alternative option is for Council not to designate Petra Der Man as the Monitoring Officer, this is not advised as the Council will be not be able to secure the services of another interim in the period before Victoria Statham leaves the Council.

5. Financial implications

5.1 Having not been able to recruit an interim through other routes and having to go through an agency for a locum provision there is a financial implication. Across the legal sector locums are attracting high rates.

5.2 Considering the current salary budget provision there will be an additional cost of £37,000 for the six months.

6. Contact

6.1 Victoria Statham, Group Head of Corporate Governance
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Background papers: There are none.

Appendices: There are none.