

Council



12 December 2024

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	N/A
Corporate Priority	This item is not in the current list of Corporate Priorities but still requires a Council decision.
Recommendations	Council is asked to agree: (a) To designate Linda Heron as Interim Monitoring Officer from 1 January 2025 for a maximum of 6 months, to be reviewed after 3 months, while a permanent Monitoring Officer and Head of Corporate Governance is recruited and appointed. (b) To delegate authority to the Chief Executive to make the Interim Monitoring Officer the Interim Head of Corporate Governance as well for a maximum of 6 months while a permanent Monitoring Officer and Head of Corporate Governance is recruited and appointed. (c) To note that Article 10.1 of the Constitution provides that it is the responsibility of the Council to designate the Monitoring Officer.
Reason for Recommendation	To comply with the Local Government and Housing Act 1989. The current Interim Monitoring Officer will leave the Council on 31 December 2024. 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 until the next permanent appointment.

1. Summary of the report

What is the situation	Why we want to do something
<ul style="list-style-type: none">The current Monitoring Officer will leave the Council on 31 December 2024.	<ul style="list-style-type: none">It is the legal duty of the Council to have a Monitoring Officer and to designate one of its officers as such.

This is what we want to do about it	These are the next steps
<ul style="list-style-type: none"> Appoint a Monitoring Officer for an interim period until a permanent appointment is made. 	<ul style="list-style-type: none"> Designate an officer as Monitoring Officer for an interim period. Delegate authority to the Chief Executive to make an interim appointment as Group Head of Corporate Governance.

1.1 This report seeks to appoint an Interim Monitoring Officer following the departure of the current Interim Monitoring Officer on 31 December 2024.

2. Key issues

2.1 Under Section 5 of the Local Government and 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.

2.2 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.

2.3 The Monitoring Officer has a number of statutory duties and responsibilities relating to the Council's Constitution and the 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.

2.4 Article 10.1 of the Constitution provides that it is the responsibility of the Council to designate the Monitoring Officer.

2.5 Article 10.7 of the Constitution states that the recruitment, selection and dismissal of Chief Officers (which includes the Monitoring Officer) will comply with the Officer Employment Procedure Rules set out in Part 4 of the Constitution.

2.6 Part 4 of the Constitution – the Officer Employment Procedure Rules states that the appointment of a Chief Officer should be made by a committee or sub-committee of the Council. That is, the decision to make the appointment to the substantive position of Group Head of Corporate Governance is a committee responsibility but the decision to designate that person as Monitoring Officer is one for Council; both elements are required.

3. Interim Appointment

3.1 Given that there is likely to be a period (possibly up to six months) between the current Interim Monitoring Officer leaving the Council and a new appointment taking up the post, if it is to be an external applicant, then it is practicable to make arrangements for cover in the interim. It is not practicable to undertake a full recruitment exercise for an interim, and therefore it is

proposed the current Deputy Monitoring Officer be appointed as Monitoring Officer on an interim basis.

- 3.2 The current Legal Services Manager and Deputy Monitoring Officer has agreed to an interim appointment for a period of up to 6 months to allow a full recruitment process to take place. A review will take place after 3 months in the Council's continuous performance management processes. Linda has been with the authority since 2023 and has Local Government service from 2008. She has been the Deputy Monitoring Officer since 2023.
- 3.3 The Chief Executive proposes to make this interim appointment to ensure there is sufficient capacity in the Council to fulfil this role prior to a permanent appointment being made. This will require further consideration of staffing in the Legal Services team to cope with the demands on the service.
- 3.4 If Council is content with this interim appointment, then approval is sought to appoint the current Legal Services Manager as Interim Group Head of Corporate Governance and Monitoring Officer.

4. Permanent Appointment

- 4.1 Arrangements are in hand to commence the recruitment of a permanent appointment to this position.
- 4.2 In due course, an Appointments Committee will need to meet and consider the appointment of the next Group Head of Corporate Governance. Whilst the Committee will be able to approve the appointment, it does not have the authority to designate that officer as Monitoring Officer which means that the appointment will also be referred to Council.
- 4.3 The initial timetable for the appointment indicates that it may be possible for the recruitment to this appointment to be concluded within six months. It is highly desirable for the Council meeting to follow reasonably soon after the Appointments Committee so that the Council can indicate to the successful candidate that he or she has cleared all administrative hurdles and the offer has become "unconditional" which then allows the candidate to give notice.
- 4.4 Failure to confirm the designation as Monitoring Officer promptly therefore builds in extra delay to the time when the candidate takes up appointment. When all conditions are resolved (satisfactory medical, references etc) the Council's offer will be unconditional to be appointed as Group Head of Corporate Governance and Monitoring Officer. It is therefore proposed that the final appointment of the Monitoring Officer be brought to Council on 27 February 2025 following any successful decision to appoint by the Appointments Committee.

5. Options analysis and proposal

- 5.1 The Council may or may not agree the proposed interim arrangements but does require to have suitable arrangements for a Monitoring Officer.

6. Financial management comments

- 6.1 No substantial implications.

7. Risk management comments

7.1 The appointment of an interim Monitoring Officer will mitigate the risk to the Council of not having a Monitoring Officer in place to deal with any issues which may arise before a permanent appointment is made.

8. Procurement comments

8.1 None.

9. Legal comments

10. The legal requirements of the Local Government and Housing Act 1989 are set out above.

11. Other considerations

11.1 None.

12. Equality and Diversity

12.1 No implications.

13. Sustainability/Climate Change Implications

13.1 No implications.

14. Timetable for implementation

14.1 The appointment of an Interim Monitoring Officer will take effect from 1 January 2025.

15. Contact

15.1 Daniel Mouawad

Background papers: There are none.

Appendices: There are none.