

Council

27 February 2025



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 Committee decision.
Recommendations	Council is asked to designate Linda Heron as Monitoring Officer from 3 March 2025
Reason for Recommendation	To comply with the Local Government and Housing Act 1989. It is the legal duty of the Council to have a Monitoring Officer and to designate one of its officers as such.

1. Summary of the report

What is the situation	Why we want to do something
<ul style="list-style-type: none">The Council's previous Monitoring Officer retired from the Council on 31 December 2024, and an Interim Monitoring Officer has been serving until a permanent appointment is made	<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 so the Council can fulfil its legal duties	<ul style="list-style-type: none">Appoint a Monitoring Officer

- 1.1 This report seeks to appoint a Monitoring Officer following the recruitment process for a permanent Monitoring Officer and Head of Corporate Governance.
- 1.2 Following advertisement of the post, the Council received 9 applications. With the assistance of an external advisor and Human Resources, four candidates were shortlisted to be interviewed by the Appointments and Appeals Committee on 11 February 2025.

- 1.3 Following a full day of interviews, the Appointments and Appeals Committee unanimously recommended Linda Heron for the role of Monitoring Officer. Linda Heron is currently serving as the Council's Interim Head of Corporate Governance and Interim Monitoring Officer.

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 the Council; both elements are required.

3. Options analysis and proposal

- 3.1 The Council may or may not agree the unanimous recommendation from the Appointments and Appeals Committee but does require to have suitable arrangements for a Monitoring Officer.

4. Financial management comments

- 4.1 No substantial implications.

5. Risk management comments

- 5.1 Not appointing a Monitoring Officer will not enable the Council to fulfil a number of statutory duties and all Councils are expected to have a Monitoring Officer.
- 5.2 The appointment of a Monitoring Officer will comply with the Council's legal duty to designate one of its officers as such.

6. Procurement comments

- 6.1 Not applicable.

7. Legal comments

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

8. Other considerations

8.1 None.

9. Equality and Diversity

9.1 No implications.

10. Sustainability/Climate Change Implications

10.1 No implications.

11. Timetable for implementation

11.1 The appointment of Linda Heron as Monitoring Officer will take effect on 3 March 2025.

12. Contact

12.1 Daniel Mouawad, DCM.CEX@spelthorne.gov.uk

Background papers: There are none.

Appendices: There are none.