

Monitoring Officer Appointment

Executive Portfolio Holder: Peter Seib, Finance and Legal Services
Chief Executive: Alex Parmley
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Purpose of the Report

1. The purpose of this report is to seek approval to the appointment of the Council's Monitoring Officer.

Public Interest

2. There is a legal requirement on the Council to designate three "Statutory Officers". These are the Head of Paid Service (Chief Executive), the Monitoring Officer and the Section 151 Officer/ Chief Finance Officer. 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 are contained in Article 12 of the council's constitution.

Recommendations

3. That Council:
 - a. agrees that Angela Watson is designated this Council's Monitoring Officer on a permanent basis from 19 January 2018.
 - b. notes that the Monitoring Officer will appoint a Deputy who is authorised to act in the event of the absence or illness of the Monitoring Officer, and Members will be informed of that appointment once made.

Background

4. The Monitoring Officer's legal basis is found in Section 5 of the Local Government and Housing Act 1989, as amended by Schedule 5 paragraph 24 of the Local Government Act 2000.
5. 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 are contained in Article 12 of the council's constitution and include:
 - To report on matters he/she believes are, or are likely to be, illegal or amount to maladministration.
 - To be responsible for matters relating to the conduct of councillors and officers.
 - To be responsible for the operation of the council's constitution.
6. Neither the Head of Paid Service (Chief Executive) nor the Chief Finance Officer / S151 Officer may fulfil the role of Monitoring Officer. Although many councils appoint their most senior legal officer as their Monitoring Officer this is not a specific requirement. Whoever is appointed must though ensure that the council receives correct and appropriate advice on the lawfulness of its decision making.

7. Through the Transformation Programme, the Council is moving to a new Management Structure to support the new and different way of delivering services. Angela Watson has been appointed to the role of Lead Specialist – Legal, within the Council's new Management Structure. This role is the Council's most senior legal role. Angela has also been undertaking the role of Monitoring Officer since November 2017 on a temporary basis by appointment of the Chief Executive. The authority to make a permanent designation to the role of Monitoring Officer rests with the Full Council.
8. Angela is a qualified Solicitor since 2005 and therefore has extensive legal experience within local government. Angela also served as Deputy Monitoring Officer to Ian Clarke. Angela is therefore considered to have the appropriate skills, experience at a senior level and ability to undertake the duties of the role.
9. It is therefore recommended that Angela Watson is appointed as Monitoring Officer on a permanent basis from 19 January 2018.

Financial Implications

10. The new Monitoring Officer arrangements will be met within the existing budget for management costs.

Council Plan Implications

11. None associated with this report

Equality and Diversity Implications

12. None associated with this report

Privacy Impact Assessment

13. None associated with this report

Background Papers

14. None associated with this report