



## **Appointment of Monitoring Officer**

Executive Portfolio Holder: Peter Seib, Finance and Legal Services  
Director: Nicola Hix, Support Services  
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## **Purpose of the Report**

1. The purpose of this report is to seek approval for the appointment of one of the Council's Statutory Roles, the Monitoring Officer.

## **Forward Plan**

2. This report did not appear on the Full Council Forward Plan as this appointment was made after the date of the last meeting.

## **Public Interest**

3. 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**

4. That Council:
  - a) Notes that the current arrangement with Eastleigh Council will cease at the end of March 2021, and the current Monitoring Officer, Richard Ward, will no longer be acting in this role on behalf of South Somerset District Council.
  - b) Endorses the decision of the Appointments Committee to appoint Jill Byron as the new permanent Monitoring Officer from 1 February 2021.

## **Background**

5. 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.
6. The Monitoring Officer has a number of statutory duties and responsibilities relating to the Council's constitution and the arrangements for effective



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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.
7. Neither the Head of Paid Service (Chief Executive) nor the 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 however ensure that the council receives correct and appropriate advice on the lawfulness of its decision making.

### Selection Process of Monitoring Officer

8. In December 2019, Council approved that Richard Ward act as Interim Monitoring Officer following the departure of Angela Watson from the role and an unsuccessful recruitment process to appoint into the Lead Specialist Legal / Monitoring Officer role on a permanent basis. This was necessary, as it is a legal requirement on all local authorities to have access to a Monitoring Officer.
9. The interim arrangement for Richard Ward is due to cease at the end of March 2021, and it was therefore decided to try again to fill this post on a permanent basis. This role is the Council's most senior legal role and is vital to the organisation. The post was advertised in November 2020 and following shortlisting by Members of the Appointments Committee (Cllrs Val Keitch, Peter Seib and Linda Vijeh), 3 candidates were invited to attend an assessment day and interview.
10. All 3 candidates attended for interview and assessment on Friday 11<sup>th</sup> December 2020. The process involved:
- a. A technical interview, with 2 qualified solicitors.
  - b. An interview on preferred leadership styles and approaches, in accordance with our Attitudes and Approaches Framework.
  - c. A blind topic, assessing preferred styles and ways of working, again in accordance with our Attitudes and Approaches Framework.
  - d. Finally, a full interview with the Appointments Committee (Cllrs Val Keitch, Peter Seib and Linda Vijeh) advised by the Chief Executive.
11. Having considered the results of all the assessments, the Appointments Committee made their recommendation that Jill Byron, previous Director of Legal, Governance and Compliance at the University of Hull, be appointed as the new permanent Legal Lead Specialist / Monitoring Officer for South Somerset District Council. Jill has previously worked in senior roles at various local authorities and therefore brings with her previous experience of working in District Councils.



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12. Jill Byron is able to join South Somerset District Council on 1 February 2021. In order to provide some continuity and handover of the role, Richard Ward will remain working alongside Jill until the current interim arrangement finishes at the end of March 2021.

### **Financial Implications**

13. The financial implications associated with agreeing the recommendation can be covered from within the existing revenue budget for 2020/21 onwards.

### **Legal implications and details of Statutory Powers**

14. It is a statutory requirement to have a Monitoring Officer in place, in order to ensure we deliver our roles and functions as a local authority effectively.

### **Council Plan Implications**

15. None associated with this report.

### **Carbon Emissions and Climate Change Implications**

16. None associated with this report.

### **Equality and Diversity Implications**

17. None associated with this report.

### **Privacy Impact Assessment**

18. None associated with this report.

### **Background Papers**

19. Appointment of S151 Officer, and Appointment of Interim Monitoring Officer – December 2019