

Report Title:	Appointment of Statutory Officer
Contains Confidential or Exempt Information?	NO - Part I
Member reporting:	Councillor Targowska, Principal Member for HR, Legal and IT.
Meeting and Date:	Council 24 April 2018
Responsible Officer(s):	Alison Alexander, Managing Director and Head of Paid Service
Wards affected:	All

REPORT SUMMARY

The report requests approval for the statutory appointment of Monitoring Officer.

1 DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Council notes the report and appoints:

i) **Mary Severin as the Council's Monitoring Officer.**

2 REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

2.1 On the 12 March Employment Panel approved a new proposed management structure for Legal and Governance Services including the splitting out of the Monitoring Officer duties from the Head of Legal and Governance.

Role of Monitoring Officer

- 2.1 The Monitoring Officer is a statutory appointment and serves as the guardian of the Council's Constitution and the decision-making process. The Monitoring Officer is responsible for advising the council on the legality of its decisions and providing guidance to councilors and officers on the Council's Constitution and its powers. The role has a responsibility to report breaches and possible breaches of the law or maladministration to the Council.
- 2.2 The Monitoring Officer works closely with the Council's Managing Director to assist in the role of promoting and maintaining high standards of conduct and probity within the Council.
- 2.3 There are six functions of the Monitoring Officer as set out in the constitution:
1. **Maintaining the Constitution:** The Monitoring Officer will maintain an up to date version of the Constitution and ensure that it is widely available for consultation by Members, staff and the public.
 2. **Ensuring lawfulness and fairness of decision making:** After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the Council or to Cabinet in relation to an executive function if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

3. **Proper Officer for access to information:** The Monitoring Officer will ensure that Cabinet decisions, together with the reasons for those decisions and relevant Officer report and background papers are made publicly available as soon as possible.
4. **Advising whether Cabinet decisions are within the budget and policy framework in accordance with the requirement under the Budget and Framework Rules:** The Monitoring Officer in consultation with the Chief Finance Officer will advise whether decisions of the Cabinet are in accordance with the budget and policy framework.
5. **Providing advice:** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.
6. **Contributing to corporate management:** The Monitoring Officer will contribute to the corporate management of the Council, in particular through the provision of professional advice on the lawfulness or probity of any matter.

- 2.5 If approved Mary Severin will formally take up the role of Monitoring Officer from the 25 April 2018.

Table 1: Options

Option	Comments
To approve the statutory appointment of Monitoring Officer	Allows the Council to continue to meet its statutory requirements
The recommended option.	
To not approve the statutory appointment of Monitoring Officer.	The Council would have to appoint other people into these roles.
This is not a recommended option.	

3 KEY IMPLICATIONS

Table 2: Key implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Statutory officer appointed and commence duties.	Appointment not approved	25 April 2018	N/A	N/A	25 April 2018

4 FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 There are no direct financial implications arising from this report.

5 LEGAL IMPLICATIONS

- 5.1 Section 5 (1) of the Local Government and Housing Act 1989 places a duty on the Council to appoint one of its officers to the statutory position of Monitoring Officer and provide that officer with such staff and resources which, in that person's opinion, is necessary to allow them to carry out their duties.

6 RISK MANAGEMENT

Table 3: Impact of risk and mitigation

Risks	Uncontrolled Risk	Controls	Controlled Risk
The council does not appoint a statutory Monitoring officer	Council is not fulfilling its statutory responsibility.	An experienced officer is recommended for the position.	Low

7 POTENTIAL IMPACTS

7.1 None

8 CONSULTATION

8.1 The proposal and appointment of Monitoring Officer were agreed by Employment Panel on 12 March 2018.

9 TIMETABLE FOR IMPLEMENTATION

Table 4: Implementation timetable

Date	Details
25 April 2018	Appointment of Monitoring Officer.

10 APPENDICES

10.1 None

11 BACKGROUND DOCUMENTS

11.1 N/A

12 CONSULTATION (MANDATORY)

Name of consultee	Post held	Date issued for comment	Date returned with comments
Lisa Targowska	Principal Member	20/03/2018	20/03/2018
Alison Alexander	Managing Director	16/03/2018	20/03/2018
Russell O'Keefe	Executive Director	20/03/2018	03/04/2018
Andy Jeffs	Executive Director	20/03/2018	03/04/2018
Rob Stubbs	Section 151 Officer	20/03/2018	20/03/2018
Elaine Browne	Solicitor	20/03/2018	20/03/2018
Louisa Dean	Communications	20/03/2018	20/03/2018

REPORT HISTORY

Decision type: Non-key decision	Urgency item? No
Report Author: Nikki Craig Head of HR and Corporate Projects.	