



SPECIAL COUNCIL – 28TH MARCH 2018

SUBJECT: APPOINTMENT OF INTERIM MONITORING OFFICER

REPORT BY: INTERIM CHIEF EXECUTIVE

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to ask Members to agree to appoint an Interim Monitoring Officer for the Council, whilst we are recruiting to the permanent post

2. SUMMARY

- 2.1 In accordance with Section 5 of the Local Government and Housing Act 1989, the Council has a statutory duty to designate one of their officers to be known as the Monitoring Officer.
- 2.2 This report proposes that Lisa Lane, Solicitor, be appointed to the post of Interim Monitoring Officer, whilst we are recruiting to the post of Head of Legal Services / Monitoring Officer.

3. LINKS TO STRATEGY

- 3.1 This matter deals with a statutory requirement regarding the allocation of functions within the Council.

4. THE REPORT

- 4.1 As detailed in 2.1, it is a requirement that every Local Authority must designate one of their officers as a Monitoring Officer.
- 4.2 This requirement is specified in the Local Government and Housing Act 1989 which states that "It shall be the duty of every relevant authority to designate one of their officers... to be known as the monitoring officer...". The Act states that it shall be the duty of the relevant Authority's Monitoring Officer, if it at any time appears to them that any proposal, decision or omission by the authority, or by any committee, or sub-committee of the Authority, or by any person holding any office or employment within the Authority give rise to a contravention of any law, that they should prepare a report to the council with respect to that action or omission.
- 4.3 This is an important role and function within every Council's governance structure.
- 4.4 The Act requires the Council to provide the Monitoring Officer with such staff, accommodation, and other resources as are, in his / her opinion, sufficient to allow him / her to perform the duties mentioned in paragraph 4.2 above.

- 4.5 Members will be aware that the Council's Interim Head of Legal Services / Monitoring Officer made the decision to retire from the Authority with effect from 28 February 2018. This now leaves the Council without a designated Monitoring Officer.
- 4.6 Members will also be aware that Council agreed at the meeting held on 21 November 2017, to nominate Richard Harris, Audit Manager, as the Council's Deputy Monitoring Officer for a temporary period and that he would deputise in the event of the absence of the Council's Interim Monitoring Officer in post at that time.
- 4.7 Following the retirement of the interim postholder as detailed in 4.5, the arrangement for the Monitoring officer role now needs to be fully regularised.
- 4.8 Members will know that the post of Head of Legal Services / Monitoring Officer has been advertised. Dates have been set for the recruitment process including the Appointment Panel with Members on 1 May 2018.
- 4.9 Recruitment to this post will therefore determine the length of time that the Interim Monitoring Officer is in post.
- 4.10 Cardiff Council have agreed to continue their support to the Council during this interim period by way of the Service Level Agreement whereby their Deputy Monitoring Officer, David Marr will be available to provide advice if required and / or directly to other officers and Members if needed.
- 4.11 The interim role was ring-fenced to the three direct reports to the former Head of Legal/Monitoring officer. One officer (Lisa Lane) expressed an interest to take up the role.
- 4.12 The report proposes that Lisa Lane is appointed to the post of Interim Monitoring Officer until the Head of Legal Services / Monitoring Officer commences employment with the Council.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 This proposal relates to the statutory requirements for the administration of the Council's business and is not related to the Act.

6. EQUALITIES IMPLICATIONS

- 6.1 There are no equalities implications with this proposal.

7. FINANCIAL IMPLICATIONS

- 7.1 The increase in salary for the Interim Monitoring officer will be funded by the vacant Head of Legal Services / Monitoring Officer role.
- 7.2 The service level agreement with Cardiff Council has set an hourly rate of £150 per hour. It is anticipated that the costs of this service level agreement with Cardiff Council will be limited, but will depend on the actual usage made of the arrangement.

8. PERSONNEL IMPLICATIONS

- 8.1 This is a short term and temporary measure being taken out of necessity to comply with statutory requirements and there are no ongoing personnel implications.

9. CONSULTATIONS

9.1 The views of the consultees are reflected in the report.

10. RECOMMENDATIONS

10.1 It is recommended that Members agree:

- (i) that Lisa Lane, Solicitor, be appointed to the post of Interim Monitoring Officer, until such time the new postholder takes up the post of Head of Legal/Monitoring officer.
- (ii) to continue with the service level agreement with Cardiff Council to provide support to Lisa Lane if required and / or directly to other officers and Members if needed, until such time the new postholder takes up the post of Head of Legal/Monitoring officer.

11. REASONS FOR THE RECOMMENDATIONS

11.1 The Council has a statutory duty to designate one of their officers to be known as the Monitoring Officer in accordance with Section 5 of the Local Government and Housing Act 1989.

12. STATUTORY POWER

12.1 Local Government and Housing Act 1989.

Author: Christina Harrhy, Interim Chief Executive
Consultees: Dave Street, Corporate Director, Social Services
Mark S. Williams Interim Corporate Director, Environment
Cllr David Poole, Leader
Cllr Sean Morgan, Deputy Leader
Cllr Barbara Jones, Deputy Leader
Stephen Harris, Interim Head of Corporate Finance
Lynne Donovan, Acting Head of Human Resources & Organisational Development

Background papers: Council report 21 November 2017 'Appointment of Deputy Monitoring Officer'