

3. APPOINTMENT OF INTERIM MONITORING OFFICER

1. Purpose of the report

To ensure the Authority operates within legislative requirements and has good governance by appointing an interim Monitoring Officer during the organisational changes.

Key Issues

- **The Authority is required by the Local Government and Housing Act 1989 to appoint a Monitoring Officer and the Authority's Standing Order 6.3 states that the Head of Law shall be the Monitoring Officer, however at its meeting on 28 April 2023 the Authority agreed to disestablish the post of Head of Law as it was to become vacant and to allow for the new post of Authority Solicitor to be recruited to as part of the organisational changes. It is intended that the disestablishment will be from 18 June 2023.**
- **The disestablishment of the Head of Law post means that to ensure the Authority continues to operate, in accordance with legislative requirements the appointment of an interim Monitoring Officer needs to be approved by the Authority.**

2. Recommendation

To appoint the Democratic Services Manager as interim Monitoring Officer from 18 June 2023 until the appointment of a new Monitoring Officer following implementation of the organisational changes.

How does this contribute to our policies and legal obligations?

3. It is a requirement of the Local Government and Housing Act 1989, Section 5, that the Authority appoints a person to act as Monitoring Officer. The Act (in section 5.7) also allows the appointed Monitoring Officer to appoint a deputy to act when the Monitoring Officer is absent or ill. This is a personal appointment by the Monitoring Officer.

Background Information

4. The Democratic Services Officer currently acts as Deputy Monitoring Officer and was appointed by the Head of Law in their capacity as Monitoring Officer, so the Democratic Services Officer could continue to act in the Head of Law's absence but could not continue to do so, without approval by the Authority, when the Head of Law post has been disestablished.
5. The responsibilities of the Monitoring Officer are set out in the Authority's Monitoring Officer Protocol and this is available to view on the Authority's website via the link [here](#)

Proposals

6. To appoint the Democratic Services Manager as the interim Monitoring Officer until the appointment of a new Monitoring Officer following implementation of the organisational changes.

Are there any corporate implications members should be concerned about?

Financial:

7. A monthly allowance of £450 is paid to the Monitoring Officer and this is covered within existing budgets.

Risk Management:

8. The appointment of an interim Monitoring Officer ensures that the Authority continues to operate within required legislation.

Sustainability:

9. No issues.

Equality, Diversity and Inclusion:

10. No issues.

11. Climate Change

No issues.

12. Background papers (not previously published)

None.

13. Appendices

None.

Report Author, Job Title and Publication Date

Phil Mulligan, Chief Executive, 18 May 2023