

Tuesday, 15 March 2022

Report of the Chief Executive

Permanent Appointment of the Monitoring Officer

Exempt Information

None

Purpose

To seek Council approval to appoint the Information Governance Manager to the statutory post of Monitoring Officer in accordance with the Council's Constitution and local government legislation.

Recommendations

It is recommended that Council:

1. Approve the appointment of the Information Governance Manager to the statutory role Council's Monitoring Officer on a permanent basis and with immediate effect

Executive Summary

Following the departure of Head of Governance and Monitoring Officer in April 2021, Council (16th March, 2021) initially approved the temporary appointment of the Director Legal and Governance (Monitoring Officer) from South Staffs Council to the statutory role of Monitoring Officer. Immediately following that temporary appointment an internal recruitment and selection process was completed resulting in the officer who serves as the Council's Information Governance Manager being appointed on a temporary basis to the role that was approved by Council on 20th May 2021.

The post was initially made temporary to allow the Chief Executive an opportunity to review the new arrangements. The Chief Executive is pleased to report that since the officer's appointment in May, the officer has made exceptional progress. It is therefore, proposed that the officer is now made permanent in the role.

The appointment of the Monitoring Officer is reserved to the Council and cannot be made by any other body.

Options Considered

Three options have been considered namely;

1. Do nothing and continue with temporary arrangements – this option does not provide the organisation with any stability or business continuity and merely delays any decision to another point in time.
2. Consider sharing the post with a neighbouring authority – this option has been disregarded as at times the duties of the post could potentially come into conflict with decisions made by another local authority. This option does not give the authority clear independence that is a benefit for the Monitoring Officer role.
3. Appoint current temporary post holder to permanent position – the post holder has had an opportunity to advance and develop into the role. This option is the preferred option.

Resource Implications

Budget provision has been made for the post of Information Governance Manager. The post holder currently receives an ex gratia payment for carrying out the duties on a temporary basis.

However, in order to recognise these duties on a formal permanent basis, the additional duties have been formally job evaluated and added to the post holder's current job evaluation score. The result of the job evaluation exercise means that an increase of pay grade for the post holder will now be payable. Budget provision is available for this on an ongoing basis from salary savings relating to the previous Head of Governance and Monitoring Officer post.

On appointment, the Monitoring Officer is then able to appoint a Deputy Monitoring Officer/s to provide support with specific elements of the job role and provide appropriate cover in the absence of the Monitoring Officer.

Legal/Risk Implications Background

The Monitoring Officer has an important role in working closely with other key stakeholders to promote and enhance good corporate governance in terms of the quality of decision making as well as ensuring legality, probity and propriety.

The Council has a duty to provide the Monitoring Officer with the resources required to perform his/her statutory functions. In addition, disciplinary and dismissal proceedings against the Monitoring Officer are regulated by the Local Authorities' (Standing Orders) Regulations 1993.

Equalities Implications

None

Environment and Sustainability Implications (including climate change)

None

Background Information

In accordance with Section 5 of the Local Government and Housing Act 1989 ('the 1989 Act') the Council must designate one of its officers to hold the statutory office of the Monitoring Officer.

The role of the Monitoring officer is to:

- report to the Council (or to the Cabinet in respect of an executive function) where he/she considers that a proposed decision act or omission has given rise to or is likely to or would give rise to the maladministration or a contravention of any enactment or rule of law.
- Support the Standards Committee in the proper functioning of the Council's ethical framework including responsibility for investigation or securing the investigative of the Code of Conduct complaints referred to him/her.
- Maintain the Register of Members Interests, Gifts and Hospitality.

The Monitoring Officer may not be the Council's Head of Paid Service or Section 151 Finance Officer. The Monitoring Officer is not a specific role with the Council's establishment and as such, the duties of the Monitoring Officer are supplementary responsibility attached to a substantive post holder.

Report Author

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List of Background Papers

Minutes of Council meetings held on 16th March 2021 and 20th May 2021
Council's Constitution

Appendices

None