

COUNCIL MEETING – 15 NOVEMBER 2018

Recommendation to Council from the General Purposes Committee held on 30 October 2018

GPC/18/25. **Proposed Changes to the Constitution on the Monitoring Officer Function**

The Committee considered a report which set out the proposed changes to the Constitution in relation to the Monitoring Officer's functions.

The Committee was advised that the current Constitution did not reflect that the Monitoring Officer (MO) was an employee of an external contractor and not solely an employee of Central Bedfordshire Council. The proposed changes would protect the Council from the risks highlighted in the report.

Points and comments included:

- It was clarified that the MO was employed by LGSS Law Ltd and was appointed by the Council as an officer of the Council and designated by the Council as the Monitoring Officer. The Appointments Sub-Committee's remit was to appoint the MO.
- Members of the Appointment Sub-Committee were appointed by the MO from members of the General Purposes Committee. An additional recommendation was proposed to recommend to Council to amend Parts 3B and 4K of the Constitution to allow for the Chief Executive to appoint Members to the Appointments Sub-Committee if the appointment or dismissal was in respect of the MO to avoid any conflict of interest.
- In response to a question regarding how the MO functions would be carried out in the event that the MO was dismissed, it was advised that the Deputy MO would carry out all MO responsibilities until an Acting MO or a permanent MO was appointed.
- It was also noted that the MO must at all times have an appointed Deputy MO in place.

RESOLVED

that the proposed changes, as set out in Appendices A – D to the report, be approved and that:

Parts 3B and 4K of the Constitution be amended to permit the Chief Executive to appoint Members to the Appointments Sub-Committee in the event the appointment or dismissal was in respect of the Monitoring Officer.

RECOMMENDED to Council

that the proposed amendments, set out in Appendices A-D to the report and the additional amendments to Parts 3B and 4K above be approved.