

Central Bedfordshire Council

General Purposes Committee (Appointments Sub-Committee)

21 February 2019

Appointment of the Council's Monitoring Officer

Report of: Cllr Richard Wenham, Deputy Leader and Executive Member for Corporate Resources
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Responsible Director(s): Richard Carr, Chief Executive
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This report relates to a decision that is Non-Key

Purpose of this report

The Council has operated with an Acting Monitoring Officer for some months and now wishes to make a permanent appointment. This report sets out the process to be followed in making this appointment.

RECOMMENDATIONS

The Committee is asked to:

- 1. Agree to interview the candidate for Monitoring Officer recommended by LGSS Law Ltd**
- 2. Should the candidate be suitable, to confirm his / her appointment to the position of Monitoring Officer for Central Bedfordshire Council and designate him/her as the Council's Monitoring Officer.**

Overview and Scrutiny Comments/Recommendations

Under the Council's Constitution (Part 4K 3.1.2) the appointment of a Monitoring Officer is a matter for General Purposes Committee (Appointments Sub-Committee) and therefore this matter has not been presented to Overview and Scrutiny.

Issues

1. The Council is required to have a Monitoring Officer under S.5 Local Government and Housing Act 1989. This function may be discharged by a direct employee or by someone contracted through a third party. However, it is the individual who is accountable in the role and not the third party organisation.

2. Under its agreement with LGSS Law Ltd, covering the provision of all types of legal services, the Council has received Monitoring Officer services from an employee of LGSS Law since April 2016.
3. The current Acting Monitoring Officer is likewise an employee of LGSS Law.
4. The Council wishes to make a permanent appointment to this role.

Options for consideration

5. The Council is currently contracted with LGSS Law to provide monitoring officer services. It would be possible to vary this contract, but the Council employs no in-house lawyers, and whilst it is not a statutory requirement for the Monitoring Officer to be legally qualified, it is certainly good practice. Any such contract variation would incur additional cost and delay the appointment process, and as such this option is not recommended.
6. LGSS Law has confirmed that it has a suitably qualified and experienced candidate(s) for the position of Monitoring Officer and can recommend such a candidate(s) to the Appointments Sub-Committee.
7. It is recommended that LGSS Law be asked to nominate their preferred candidate and that the Appointments Sub-Committee interview this candidate before confirming (or rejecting if necessary) the candidate to the permanent position.

Reason/s for decision

8. Whilst it is possible for the Council to continue with an Acting Monitoring Officer, it is best practice to make a permanent appointment.
9. **Council Priorities**
The position of Monitoring Officer is essential to good governance of the Council's affairs. This contributes to the Council's priority of:
 - A more efficient and responsive Council.

Corporate Implications

Legal Implications

10. The Council is required to have a Monitoring Officer under S.5 Local Government and Housing Act 1989 who cannot be the head of paid service nor the section 151 finance officer. This function may be discharged by a direct employee or by someone contracted through a third party. However, it is the individual who is accountable in the role and not the third party organisation.

Financial and Risk Implications

11. There are no additional costs as a consequence of this report. The costs of monitoring officer services are included with existing budgets.

Equalities Implications

12. Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The monitoring officer has the specific duty to ensure that the council, its officers and its elected members maintain the highest standard of conduct in all they do.

Conclusion and next steps

13. The Council should progress to making a permanent appointment of Monitoring Officer.
14. If the Sub-Committee accepts the recommendations of the report an appropriate interview will be set up and an appointment made.
15. As required by the Council's Constitution at Part 4K paragraphs 3.1.3 & 3.1.4, before the Sub-Committee makes an offer of an appointment, the Chief Executive will notify every member of the Executive of the name of the proposed appointee; the particulars relevant to the appointment; and the period within which objections to the appointment can be made. The Sub-Committee may make an offer provided that the Leader, on behalf of the Executive and within the period, raises no objection, or indicates that the Executive has no objection; or the Sub-Committee decides that any objection received from the Leader within the period is not material or is not well founded.

Appendices

None

Background Papers

None

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