

Council Report



Report of Deputy Chief Executive – Transformation and Operations

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To: COUNCIL

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Appointment of interim monitoring officer

Recommendation

That Council appoints Vivien Williams, interim Head of Legal and Democratic, as the council's monitoring officer with immediate effect, this appointment to run until Council appoints a permanent Monitoring Officer at a later date.

Purpose of report

1. This report recommends Council to appoint an interim monitoring officer.

Corporate objectives

2. This report relates to the discharge of statutory responsibilities which contribute to all the corporate objectives of the council.

Background

3. Following the very sad news of the passing of Patrick Arran, former Head of Legal and Democratic and Monitoring Officer, both councils need to appoint a monitoring officer to come into effect immediately.

Appointment of monitoring officer

4. Under section 5 of the Local Government and Housing Act 1989, Council is required to appoint one of its officers as its monitoring officer. Like almost all council staff, the monitoring officer is a shared role and the postholder works across both councils. The role of the monitoring officer includes such responsibilities as ensuring the lawfulness and fairness of the council's decision making; promoting and maintaining high standards of conduct; reporting to Council on any instances of maladministration; and reviewing the councils' Constitution on an ongoing basis.

5. With the sad news of the death of Patrick, the councils do not have a named officer holding the position of monitoring officer. The job role for the head of legal and democratic includes, subject to full Council approval, the statutory function of monitoring officer for both councils. The process for the recruitment to this position will commence at an appropriate time during 2024. Until that time, the councils need to make an interim monitoring officer appointment to fulfil their statutory functions.
6. Council is therefore recommended to appoint Vivien Williams, whose substantive post is Deputy Head of Legal (Governance), but has been confirmed Interim Head of Legal and Democratic, as the council's monitoring officer, with immediate effect, until the appointment of a permanent monitoring officer by the Council, which will not occur until a recruitment process for a permanent head of legal and democratic has been completed during the 2024 calendar year. Vivien has acted as District Solicitor and Monitoring Officer at Chichester District Council, Head of Legal and Democracy & Deputy Monitoring Officer at Ashford Borough Council and deputy monitoring officer in other previous roles as well as having been appointed deputy monitoring officer at South and Vale. At the request of the Chief Executive, subject to the agreement of Council, Vivien has agreed to take on the responsibilities of Monitoring Officer.

Climate and ecological impact implications

7. There are no direct climate and ecological impact implications arising from this report.

Financial Implications

8. There are no direct financial implications arising from this report as in line with all posts, payment to the role will be made at the commensurate rate.

Equalities implications

9. There are no direct equalities implications arising from this report.

Legal Implications

10. Appointing a permanent and interim monitoring officer will fulfil the councils' duty under section 5 of the Local Government and Housing Act 1989.

Risks

11. The council has a statutory duty to appoint a monitoring officer. Making the appointment suggested in this report meets this duty.

Conclusion

12. This report asks Council to appoint an interim monitoring officer.

Background Papers

- None