



FULL COUNCIL

Wednesday, 05 May 2021

Subject	Appointment of Monitoring Officer
Report by	Councillor Steve Gallant Leader of the Council Councillor Maurice Cook Cabinet Member with responsibility for Resources
Supporting Officer	Stephen Baker Chief Executive stephen.baker@eastsoffolk.gov.uk 01394 444378

Is the report Open or Exempt?	OPEN
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Category of Exempt Information and reason why it is NOT in the public interest to disclose the exempt information.	None
Wards Affected:	All Wards

Purpose and high-level overview

Purpose of Report:

The Monitoring Officer is a statutory appointment under Section 5 of the Local Government and Housing Act 1989, as amended by paragraph 24 of Schedule 5 of the Local Government Act 2000.

The Monitoring Officer is one of three statutory Officers the Council is required to have in place, the others being the Head of Paid Service and the Section 151 Officer. These roles have specific statutory duties assigned to them and essentially the role of the Monitoring Officer is to report on matters they believe are, or are likely to be, illegal or amount to maladministration, to be responsible for matters relating to the conduct of Members and Officers and to be responsible for the operation of the Council's Constitution.

The current postholder, Mrs Hilary Slater, has been the Council's Monitoring Officer since her appointment in August 2002, initially for Suffolk Coastal District Council, then for Waveney District Council as well and, more latterly, for East Suffolk Council. Mrs Slater is also the Council's Head of Legal and Democratic Services. Mrs Slater is supported by the Council's Legal and Licensing Services Manager, Mr Christopher Bing, who performs the role of Deputy Monitoring Officer as well as his substantive role.

Mrs Slater has decided to take early retirement and will therefore leave the Council's employment on 31 May 2021. She will be taking her last two weeks of service as annual leaving which means her last working day will be 14 May 2021.

Recruitment to the post of Head of Legal and Democratic Services (which also includes the role of Monitoring Officer) has already begun and an Appointments Committee is scheduled for 22 June 2021. In view of this, arrangements need to be made to cover the Monitoring Officer role between 14 May 2021 until the new postholder is in place.

It is therefore proposed that Mr Bing be appointed as the Council's Monitoring Officer, on an interim basis, from 14 May 2021. Mr Bing has been the Deputy Monitoring Officer for a number of years and therefore has the relevant experience. He is also legally qualified.

Options:

Since the Monitoring Officer is a statutory role, the Council has no option but to ensure this role is filled. Temporarily appointing Mr Bing to the role will ensure a smooth transition of any outstanding matters being dealt with by Mrs Slater at her point of departure. Mr Bing is a well-established Officer of the Council and given that he is the existing Deputy Monitoring Officer, this is the ideal temporary solution.

It is also proposed that Ms Jacqui Bullen, the Council's Lead Planning Lawyer, be temporarily appointed as Deputy Monitoring Officer. Ms Bullen has previously been a local authority Deputy Monitoring Officer and works closely with Mr Bing on a range of legal matters and so they have developed an appreciation of how each other works which will be of benefit. In addition, Ms Bullen has experience of Planning Committee meetings, the operation of which (at both district and parish level) generates most code of conduct complaints. This therefore represents the best use of existing resources at this time.

Recommendation:

That the temporary appointment of Mr Christopher Bing as the Monitoring Officer and Ms Jacqui Bullen as the Deputy Monitoring Officer from 14 May 2021 until the Head of Legal

and Democratic Services post is filled, which includes the role of Monitoring Officer, be approved.

Corporate Impact Assessment

Governance:

The Monitoring Officer is responsible for the operation of the Council's Constitution which includes overseeing the Council's governance arrangements. The Monitoring Officer is therefore integral to ensuring the efficient and proper day to day business of the Council.

ESC policies and strategies that directly apply to the proposal:

The Council's Constitution sets out the Monitoring Officer Protocol.

Environmental:

No impact other than to ensure that all the Council's actions and decisions in relation to environmental matters are carried out in accordance with the Constitution.

Equalities and Diversity:

The Council is required to maintain the highest ethical standards and the Monitoring Officer role is integral to this. In addition, they are responsible for ensuring that the Council meets its legal obligations.

Financial:

No impact.

Human Resources:

No impact.

ICT:

No impact.

Legal:

The Monitoring Officer is responsible for ensuring that the Council operates legally and meets all legislative requirements.

Risk:

Failure to appoint a Monitoring Officer would be contrary to Section 5 of the Local Government and Housing Act 1989 (as amended by paragraph 24 of Schedule 5 Local Government Act 2000) and the Council's Constitution.

External Consultees:	None
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Strategic Plan Priorities

Select the priorities of the Strategic Plan which are supported by this proposal: <i>(Select only one primary and as many secondary as appropriate)</i>		Primary priority	Secondary priorities
T01	Growing our Economy		
P01	Build the right environment for East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P02	Attract and stimulate inward investment	<input type="checkbox"/>	<input type="checkbox"/>
P03	Maximise and grow the unique selling points of East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P04	Business partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P05	Support and deliver infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T02	Enabling our Communities		
P06	Community Partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P07	Taking positive action on what matters most	<input type="checkbox"/>	<input type="checkbox"/>
P08	Maximising health, well-being and safety in our District	<input type="checkbox"/>	<input type="checkbox"/>
P09	Community Pride	<input type="checkbox"/>	<input type="checkbox"/>
T03	Maintaining Financial Sustainability		
P10	Organisational design and streamlining services	<input type="checkbox"/>	<input type="checkbox"/>
P11	Making best use of and investing in our assets	<input type="checkbox"/>	<input type="checkbox"/>
P12	Being commercially astute	<input type="checkbox"/>	<input type="checkbox"/>
P13	Optimising our financial investments and grant opportunities	<input type="checkbox"/>	<input type="checkbox"/>
P14	Review service delivery with partners	<input type="checkbox"/>	<input type="checkbox"/>
T04	Delivering Digital Transformation		
P15	Digital by default	<input type="checkbox"/>	<input type="checkbox"/>
P16	Lean and efficient streamlined services	<input type="checkbox"/>	<input type="checkbox"/>
P17	Effective use of data	<input type="checkbox"/>	<input type="checkbox"/>
P18	Skills and training	<input type="checkbox"/>	<input type="checkbox"/>
P19	District-wide digital infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T05	Caring for our Environment		
P20	Lead by example	<input type="checkbox"/>	<input type="checkbox"/>
P21	Minimise waste, reuse materials, increase recycling	<input type="checkbox"/>	<input type="checkbox"/>
P22	Renewable energy	<input type="checkbox"/>	<input type="checkbox"/>
P23	Protection, education and influence	<input type="checkbox"/>	<input type="checkbox"/>
XXX	Governance		
XXX	How ESC governs itself as an authority	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>How does this proposal support the priorities selected?</p> <p>The role of Monitoring Officer is to report on matters they believe are, or are likely to be, illegal or amount to maladministration, the conduct of Officers and Members and to be responsible for the operation of the Council's Constitution. In essence, the Monitoring Officer is the Council's conscious and ethical champion and as such is fundamental to ensuring that the Council complies with all its obligations and that appropriate arrangements are in place for the proper functioning of the Council.</p>			

Background and Justification for Recommendation

1 Background facts

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| 1.1 | The Monitoring Officer role is a statutory requirement in accordance with the legislation referred to above. |
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2 Current position

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| 2.1 | The current Monitoring Officer is taking early retirement and her last working day is 14 May 2021. In view of this, arrangements must be made to cover the role until a permanent replacement can be found. |
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3 How to address current situation

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| 3.1 | The recruitment process has already begun and we anticipate that a new Monitoring Officer will be in place by September 2021. |
| 3.2 | It is not anticipated that there will be any difficulty recruiting to the role. |

4 Reason/s for recommendation

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| 4.1 | The temporary appointment of a Monitoring Officer and Deputy Monitoring Officer is a legal requirement. |
| 4.2 | By utilising the experience of current officers who have previously performed the Monitoring Officer role represents the best use of resources and will enable a smooth transition. |

Appendices

Appendices:

None

Background reference papers:

None