

STROUD DISTRICT COUNCIL

COUNCIL

21 OCTOBER 2021

Report Title	APPOINTMENT OF A MONITORING OFFICER			
Purpose of Report	To appoint an interim Monitoring Officer and begin the process of the recruitment of a permanent Monitoring Officer			
Decision(s)	The Council RESOLVES that: a. To note that the Chief Executive took an urgent decision on 6 th August 2021 to appoint Jodie Townsend as Interim Monitoring Officer for the period 14 th August 2021 until 29 th September 2021 and Stephen Taylor from 30 th September to the date of this meeting. b. Stephen Taylor be designated Monitoring Officer for the Council in accordance with section 5 of the Local Government and Housing Act 1989 with effect from the date of this meeting for an interim period until such time as a permanent replacement is appointed c. The Chief Executive be authorised to begin the process of recruitment of a Monitoring Officer including such sharing arrangements as they deem appropriate, in consultation with all Group Leaders.			
Consultation and Feedback	All Group Leaders			
Report Author	Andrew Cummings, Strategic Director of Resources Email: andrew.cummings@stroud.gov.uk			
Options	The Council must have a Monitoring Officer so if this appointment is not made an alternative must be appointed			
Background Papers	None			
Appendices	None			
Implications (further details at the end of the report)	Financial	Legal	Equality	Environmental
	Yes	Yes	No	No

1. INTRODUCTION / BACKGROUND

- 1.1 Under Section 5 of the Local Government and Housing Act 1989 (as amended) the Council has a duty to designate one of its officers as Monitoring Officer. The Act specifically excludes the Head of Paid Service and the Chief Finance Officer (Section 151 Officer) from being the Monitoring Officer, although any other officer of the Council can be appointed.

- 1.2 The Monitoring Officer has a number of statutory duties and responsibilities which include ensuring that the Council act lawfully and to avoid any maladministration. This includes advising on the lawfulness of decision making, applying and maintaining the Council's Constitution and arrangements for effective governance.
- 1.3 The Monitoring Officer also has a number of responsibilities arising from the Localism Act 2011 relating to Councillor conduct (Council and Parish Councils). These responsibilities include dealing with complaints on the Code of Conduct, as well as providing training for Members thereon.
- 1.4 Patrick Arran was the previous Monitoring Officer but left the employment of the Council on August 13th 2021.

2. Interim Monitoring Officer Arrangements

- 2.1 The Council must have a Monitoring Officer at all times. Upon receiving the news that Patrick Arran was to leave the Council the Chief Executive took steps to ensure that suitably qualified Monitoring Officer Support was available.
- 2.2 Under the emergency powers available under the constitution the Chief Executive took an Officer Decision to appoint Monitoring Officers until the date of this Council. This decision was carried out in consultation with all four Group Leaders and was published on August 6th 2021. The Officers were appointed as follows.

Jodie Townsend from August 14th 2021 – September 29th 2021

Stephen Taylor as Monitoring Officer from September 30th 2021 – October 21st 2021

- 2.3 Council is being asked to retrospectively confirm that emergency decision and then appoint Stephen Taylor on an ongoing basis.
- 2.4 Jodie Townsend was available on a short term basis only and served as Monitoring Officer until Stephen was available to start. Officers have thanked Jodie for his contribution to the Council over this key interim period.
- 2.5 Stephen Taylor, who has extensive Monitoring Officer experience, is now employed as interim Monitoring Officer for a period of up to six months on an agency basis. Council is recommended to confirm his appointment as Monitoring Officer from this point forwards.

3. Arrangements for a Permanent Monitoring Officer

- 3.1 It is now appropriate to make arrangements to make a permanent appointment of a Monitoring Officer.
- 3.2 Since 2020 Monitoring Officers at Stroud District Council have been sharing their time between Stroud and another Council in the County. Patrick Arran's time was shared first with Cotswold District Council and then, after his departure from Cotswold, with Gloucester City Council. Jodie Townsend and Stephen Taylor have also been supporting Gloucester City Council.

- 3.3 This sharing model has functioned well and Officers and Members have been supported at all times. It is therefore recommended that in recruiting a permanent post holder, sharing the post with another authority in Gloucestershire should be the first choice option.
- 3.4 It is recommended that this post is recruited at a salary band equivalent to Strategic Directors in order that we may look to recruit a sufficient calibre of candidate. This is likely to be a view shared by any Council that we undertake sharing arrangements with.
- 3.5 Recently, Cotswold District Council advertised for a full time Monitoring Officer with remuneration of up to £85K which supports the idea that this level of salary is required to attract the high calibre of candidates. Any recruitment campaign will also highlight the full range of benefits, financial and non-financial, of working for Stroud District Council and any other authority with which the role may be shared.
- 3.6 Currently within the Council's establishment, the title of Monitoring Officer is placed with the role of "Strategic Head of Policy and Governance". This position, established at the same time as the Policy and Governance Team in early 2020 and never recruited to, is no longer required and the budget will be used to fund the new shared monitoring officer post.
- 3.7 The budget for this post is £100k per year, including pension and National Insurance. The budget needed for a permanent post shared equally is £55k, representing a saving of £45k per annum which can be included in the Medium-Term Financial Plan.

4. IMPLICATIONS

4.1 Financial Implications

The financial implications are set out in the report. The move to a shared Monitoring Officer post is estimated to save £45k per year from current budgets.

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4.2 Legal Implications

These are contained in the main body of the report.

One Legal
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4.3 Equality Implications

An EIA is not required because there are not any specific changes to service delivery proposed within this decision

4.4 Environmental Implications

There are no environmental implications arising from this decision.