

STROUD DISTRICT COUNCIL

COUNCIL

21 JULY 2022

Report Title	Appointment of a Monitoring Officer			
Purpose of Report	To appoint a permanent Monitoring Officer.			
Decision(s)	The Council RESOLVES that: a. [INSERT NAME] 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 their employment commencing with the Council b. The Chief Executive be authorised to sign a secondment agreement to second [INSERT NAME] for half of their employed time to Cheltenham Borough Council representing the shared monitoring officer arrangement.			
Consultation and Feedback	All Group Leaders			
Report Author	Kathy O’Leary, Chief Executive Email: Kathy.oleary@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 Stephen Taylor has been the designated Monitoring Officer since 30th September 2021.
- 1.5 At its meeting of October 2021 Council authorised the Chief Executive to begin the process of appointing a permanent Monitoring Officer. This was anticipated to be a role shared with another authority, as has been the case with the interim Monitoring Officers the Council has employed in recent times.

2. Interim Monitoring Officer Arrangements

- 2.1 Cheltenham Borough Council have previously indicated to SDC that they were both looking to recruit a new Monitoring Officer and to enter into arrangement whereby the Monitoring Officer could be shared across the two authorities. The experience at SDC of sharing Monitoring Officers has demonstrated that such an arrangement can work practically, and it also generates a financial saving which has already been included in the Medium Term Financial Plan.
- 2.2 It was agreed that the role would be directly employed by Stroud and then seconded back to Cheltenham for half of the working week.
- 2.3 A joint recruitment process has been undertaken which has been co-ordinated externally by Tile Hill recruitment agency. Decisions on Job Description, Person Specification and the practicalities of the recruitment process have been made jointly by the Chief Executives of both authorities.
- 2.4 At Stroud the successful candidates will have Strategic Director level responsibilities and pay level. They will also serve as the Council's Data Protection Officer. Half of the cost will be recharged to Cheltenham Borough Council on an ongoing basis where they will work at Executive Director level. This will be confirmed in a secondment agreement. The role will sit at the Strategic Leadership Team level of both Councils.
- 2.5 For the final shortlisted candidates a recruitment day was held on July 11th. This included an interview and a stakeholder panel. Officers and members from both Councils were involved and a number of different political groups were included.
- 2.6 Following this process an offer has been made to [INSERT NAME] which they have verbally accepted. Subject to satisfactory references they will begin work later in the year. The name of the successful candidate is not included in this report but, subject to receipt of written acceptance, it will be announced at the Council meeting.
- 2.7 Their role as Monitoring Officer will begin on the first day that they start work for the Council.
- 2.8 Stephen Taylor, who is currently serving as the Interim Monitoring Officer, will continue in that current role until the date the new Monitoring Officer starts.

3. IMPLICATIONS

3.1 Financial Implications

This post is contained fully within the budget. An annual saving of £45k has already been included in the Medium Term Financial Plan, representing the saving generated by sharing a Monitoring Officer with Cheltenham Borough Council.

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3.2 Legal Implications

These are contained in the main body of the report.

One Legal
Email: legal.service@onelegal.org.uk

3.3 Equality Implications

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

3.4 Environmental Implications

There are no environmental implications arising from this decision