

Gloucester City Council

Meeting:	Council	Date:	29 September 2022
Subject:	Designation of Monitoring Officer		
Report Of:	Head of Paid Service		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	No
Contact Officer:	Jon McGinty, Managing Director		
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Appendices:	None		

FOR GENERAL RELEASE

1.0 Purpose of Report

1.1 To designate a Monitoring Officer.

2.0 Recommendations

2.1 Council is asked to **RESOLVE** that

- (1) It be noted that the current shared Monitoring Officer arrangements with Stroud District Council are coming to an end;
- (2) The Managing Director be authorised to appoint a locum Monitoring Officer to succeed Stephen Taylor, for a period not exceeding twelve months, and to bring a report to this Council at its next meeting concerning that interim appointment;
- (3) Stephen Taylor's designation as Monitoring Officer to this Council continue until such time as a successor Monitoring Officer is appointed; and
- (4) It be noted that the Managing Director took an urgent decision on 18th August 2022 to extend Stephen Taylor's designation as Monitoring Officer for the City Council until 30th September 2022.

3.0 Background and Key Issues

3.1 The Local Government and Housing Act 1989, Section 5, requires all local authorities to designate one of their officers as the "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.

3.2 The Act imposes a duty on the Monitoring Officer, if at any time there appears to the Monitoring Officer that any proposal, decision or omission of the Council, or

Committee etc. either has given rise to, or is likely to give rise to, a breach of any law, or any maladministration as would be dealt with by the Ombudsman, to prepare a report to the Council specifying the contravention.

- 3.3 The Monitoring Officer also has a number of responsibilities arising from the Localism Act 2011 relating to Councillor conduct (City and its Parish Council). These responsibilities include dealing with complaints on the Code of Conduct, as well as providing training for Members thereon. There is a close connection with the S151 Officer, and Internal Audit, and the Monitoring Officer is a member of the Corporate Governance Group.
- 3.4 The current functions of the Monitoring Officer are specified in the Constitution, including the Monitoring Officer's Protocol although some of these may be assigned to other officers by the Managing Director. There is no statutory requirement for the Monitoring Officer to be a Solicitor, although the majority are legally qualified and have a commensurate role within a Council.
- 3.5 Council resolved on 23rd September 2021 to designate Stephen Taylor as interim Monitoring Officer for an interim period of up to 6 months, but no more than 12 months. The Head of Paid Service took a decision on 31st March 2022 to extend this interim appointment until 1st September 2022, and then took a decision on 18th August 2022 to further extend this designation until 30th September 2022, the maximum allowed under this Council delegation.
- 3.6 Stephen Taylor's employment contract at Stroud District Council (through which he was seconded to Gloucester City Council on a part time basis) comes to an end on 23rd October 2022, and as he is moving on to a new role elsewhere, he will no longer be able to continue to act as Gloucester City's Monitoring Officer for any appreciable length of time after then.
- 3.7 The Head of Paid Service has been exploring options for recruiting a successor for some time, but it has proved difficult to identify an available and suitable candidate so far. Accordingly, it is suggested that Stephen Taylor's designation as Gloucester's Monitoring Officer be extended further to allow the Head of Paid Service some more time to identify and put in place succession arrangements. It is intended that this be done by the end of October 2022.
- 3.8 As Council is not expected to meet again until November, it is likely that the Head of Paid Service will need to take a decision before the end of October to make an interim appointment to the role of Monitoring Officer, until such time as Council can meet and consider any recommendations.
- 3.9 Having considered the current resource requirement for a Monitoring Officer in Gloucester City Council, the Head of Paid Service is expecting to make an interim appointment to the role on a 2 day/week basis.

4.0 Social Value Considerations

- 4.1 Not applicable.

5.0 Environmental Implications

5.1 Not applicable.

6.0 Alternative Options Considered

6.1 The option of designating an officer already within the Council was considered but discounted on the basis of insufficient capacity.

6.2 One Legal were approached to see if they could offer these services on an interim basis, but also had capacity pressures that meant they were unable to do so.

7.0 Reasons for Recommendations

7.1 It is a legal requirement that the Council designates one of their Officers as Monitoring Officer. The Head of Paid Service advises that extending Stephen Taylor's designation as Monitoring Officer for a further month, and delegating authority to him to make a further interim appointment thereafter, will provide a better solution for the Council than other options.

8.0 Future Work and Conclusions

8.1 The recommended designation extension for Stephen Taylor will be for a short period of time only and will provide the Head of Paid Service some further time to identify succession arrangements and to make an interim appointment.

9.0 Financial Implications

9.1 The appointment of a new Monitoring Officer on a 2 day/week basis would be approximately double the current resource commitment for Stephen Taylor which is on a one day/week basis. The Director of Policy and Resources has been consulted and considers that this increased cost can be managed as a necessary in-year cost pressure within the Council's overall budgetary management.

(Financial Services have been consulted in the preparation this report.)

10.0 Legal Implications

10.1 These are contained within the main body of the report.

(One Legal have been consulted in the preparation this report.)

11.0 Risk & Opportunity Management Implications

11.1 If a Monitoring Officer is not in post, the Council would be in breach of Section 5 Local Government and Housing Act 1989.

12.0 People Impact Assessment (PIA) and Safeguarding:

12.1 None.

13.0 Community Safety Implications

13.1 None.

14.0 Staffing & Trade Union Implications

14.1 The Local Government and Housing Act 1989 effectively requires the person designated as Monitoring Officer to be employed by the Council. The existing secondment agreement between Stephen Taylor, Stroud District Council and Gloucester City Council will cover this proposed designation extension. The Head of Paid Service will need to identify a suitable employment route for any further interim appointment following the 23rd October 2021.

Background Documents: None