

# Gloucester City Council

<b>Meeting:</b>	<b>Senior Appointments Committee Council</b>	<b>Date:</b>	<b>19 December 2022 26 January 2023</b>
<b>Subject:</b>	<b>Designation of Monitoring Officer</b>		
<b>Report Of:</b>	<b>Head of Paid Service</b>		
<b>Wards Affected:</b>	<b>All</b>		
<b>Key Decision:</b>	<b>No</b>	<b>Budget/Policy Framework:</b>	<b>No</b>
<b>Contact Officer:</b>	<b>Jon McGinty, Managing Director</b>		
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<b>Appendices:</b>	<b>None</b>		

## FOR GENERAL RELEASE

### 1.0 Purpose of Report

1.1 To designate a Monitoring Officer.

### 2.0 Recommendations

2.1 Senior Appointments Committee is asked to **RESOLVE TO RECOMMEND** that Alice McAlpine be designated at the Council's Monitoring Officer.

2.2 Council is asked to **RESOLVE** that Alice McAlpine be designated as the Council's Monitoring Officer.

### 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 Stephen Taylor's designation as interim Monitoring Officer ended on 27 November 2022 and, due to the timescales involved with making a permanent appointment and in accordance with the decision of Council on 29 September 2022, the Head of Paid Service took a decision on 25 November 2022 designating Alice McAlpine, newly appointed Principal Lawyer at One Legal, as interim Monitoring Officer with effect from 28 November 2022.

3.6 It is now proposed that Alice McAlpine be designated as the Council's permanent Monitoring Officer until further notice on a 2.5 day/week basis.

3.6 In order to make a permanent appointment, a recommendation from the Senior Appointments Committee is required before it can be considered by Council. Prior to making a recommendation, the Senior Appointments Committee, which includes all Group Leaders, will have the opportunity to meet Alice. Thereafter, if content, Senior Appointments Committee will make a recommendation and the final decision will be taken by Council on 26 January 2023.

#### **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.

#### **7.0 Reasons for Recommendations**

7.1 It is a legal requirement that the Council designates one of their Officers as Monitoring Officer.

#### **8.0 Future Work and Conclusions**

8.1 If approved, Alice McAlpine will be the Council's Monitoring Officer until further notice.

#### **9.0 Financial Implications**

9.1 The appointment of a new Monitoring Officer on a 2.5 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 Not applicable.

## **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 Head of Paid Service in consultation with the Council's HR Business Advisor, has agreed a draft secondment agreement between Alice McAlpine, Tewkesbury Borough Council (employers of One Legal personnel) and Gloucester City Council to cover this proposed designation.

**Background Documents:** None