

Gloucester City Council

Meeting:	Senior Appointments Committee Council	Date:	6 June 2024 18 July 2024
Subject:	Designation of Monitoring Officer		
Report Of:	Head of Paid Service		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	No
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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 Senior Appointments Committee is asked to **RESOLVE TO RECOMMEND** that Jane Cryer be designated as the Council's Monitoring Officer from 1st October 2024, or her commencement of secondment to the Council (whichever is sooner).

2.2 Council is asked to **RESOLVE:**

- (1) that Jane Cryer be designated Monitoring Officer for the City Council in accordance with section 5 of the Local Government and Housing Act 1989 with effect from 1st October 2024, or her commencement of secondment to the Council (whichever is sooner);
- (2) to enter into an agreement to second the above-mentioned officer from Tewkesbury Borough Council to Gloucester City Council on terms to be agreed between Tewkesbury Borough Council, Gloucester City Council and the officer;
- (3) to delegate authority to the Managing Director to agree the terms of the secondment and to sign the secondment agreement on behalf of Gloucester City Council and to make any necessary consequential amendments to the Council's Constitution arising from the agreed terms and any re-assignment of the current Monitoring Officer functions;
- (4) that it be noted that Tom Clark will remain the Council's interim Monitoring Officer until the commencement of Jane Cryer's secondment to the Council.

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 25th January 2024 to designate Tom Clark as interim Monitoring Officer for up to 6 months but no more than 12 months, until such time as a successor be appointed.
- 3.6 On behalf of the Head of Paid Service, the Director of One Legal ran an open recruitment for a permanent Monitoring Officer for the City Council, and following shortlisting and interview, the Head of Paid Service wishes to recommend to Council the appointment of Jane Cryer as Monitoring Officer. Jane Cryer is currently employed as Deputy Monitoring Officer at the Royal Borough of Windsor and Maidenhead. In addition to her experience there and in other local authorities, she has extensive legal experience, including in private practice and working for the Crown Prosecution Service.
- 3.7 Having considered the current resource requirement for a Monitoring Officer in Gloucester City Council, the Head of Paid Service recommends that she be appointed to the Monitoring Officer role on a 4 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 The option of recruiting another interim Monitoring Officer via an agency was considered but discounted on the basis of efficacy and efficiency.

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 designating Jane Cryer as Monitoring Officer will provide a better solution for the Council than other options considered.

8.0 Future Work and Conclusions

- 8.1 The Head of Paid Service and the Director of One Legal will explore the best employment route for the appointment of Jane Cryer into this role.

9.0 Financial Implications

- 9.1 The appointment of a new Monitoring Officer on a 4 day/week basis would cost the Council approximately £70k per annum. The Head of Finance and Resources has been consulted and considers that this cost can be managed within the Council's overall budgetary management.

(Financial Services have been consulted in the preparation of 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 of 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 Head of Paid Service and Director of One Legal will identify a suitable employment route for the Council to appoint Jane Cryer into this role from 1st October 2024.

Background Documents: None