



Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	COUNCIL – 15 DECEMBER 2021
Report Number	AGENDA ITEM 08
Subject	APPOINTMENT OF MONITORING OFFICER
Wards affected	All
Accountable member	Cllr Joe Harris - Leader of the Council Email: joe.harris@cotswold.gov.uk
Accountable officer	Robert Weaver, Chief Executive Officer Email: robert.weaver@cotswold.gov.uk
Summary/Purpose	To consider an appointment to the Monitoring Officer role. Full Council needs to agree new arrangements to cover the statutory responsibilities as set out in Section 5 of the Local Government and Housing Act 1989.
Annexes	NONE
Recommendation(s)	<i>That Council agrees to appoint Angela Claridge as the Council's Monitoring Officer under the provisions of section 5 of the Local Government and Housing Act 1989 (as amended) from 16th December 2021</i>
Corporate priorities	ALL
Key Decision	NO
Exempt	NO
Consultees/ Consultation	Not Applicable



1. BACKGROUND

- 1.1.** Under section 5 of the Local Government and Housing Act 1989 the Council is required to appoint one of its Officers to act as Monitoring Officer. The Monitoring Officer is responsible to report to the Council :
- Any contravention of law or any Code of Conduct or practice made or approved by or under legislation
 - Any maladministration or injustice
 - Any matter which is likely to give rise to any contravention or maladministration
- 1.2.** Additional responsibilities were delegated to the Monitoring Officer under the Local Government Act 2000 and the Localism Act 2011 with regard to the operation of the Constitution and the promotion of ethical governance within the District and Town or Parish Councils.
- 1.3.** Council appointed Angela Claridge as the Interim Monitoring Officer at its meeting on 26th May 2021 until such time as a permanent appointment could be made.

2. MONITORING OFFICER

- 2.1** The role of the Monitoring Officer requires detailed knowledge of local government law and procedure.
- 2.2** Members will recall that at the time of the interim appointment the Chief Executive was considering the senior management structure in light of the best way to deliver the Council's Corporate Plan.
- 2.3** The Monitoring Officer responsibilities have been combined with additional responsibilities for Member development and management of the relationship for the Shared Legal Service into the role of Director - Governance and Development (Monitoring Officer).
- 2.4** Working in partnership with Penna an exercise to recruit to this new Director post was undertaken in October/November 2021. A small field of candidates applied for the role. The interim post holder did apply for the role and was shortlisted for final interview.
- 2.5** The Appointments and Performance Committee in their capacity as the Member interview panel, taking into account her performance at interview and her completely satisfactory performance in the role of interim Monitoring Officer, all agreed that Angela was a suitable candidate for the role on a full-time basis.
- 2.6** Accordingly, Angela Claridge is recommended to fulfil the Monitoring Officer responsibilities for the Cotswold District Council.
- 2.7** Susan Gargett, the Interim Head of Legal Services, will retain the position of Deputy Monitoring Officer.



3. RECOMMENDATIONS

- 3.1 That Angela Claridge be confirmed as the Council's Monitoring Officer under the provisions of section 5 of the Local Government and Housing Act 1989 as amended from 16th December 2021.

4. FINANCIAL IMPLICATIONS

- 4.1 The role is full-time and the Council's draft budget proposals for 2022/23 makes provision for funding for a full-time post. The budget is expected to be confirmed by Council in February 2022. For 2021/22, the budget for the Interim Monitoring Officer is based upon a part-time position. The additional cost of a full time post from 16 December 2021 to 31 March 2021 of £33,016 will be funded from the overall 2021/22 forecast budget underspend of £175,000 which was reported to the Overview and Scrutiny Committee on 30 November 2021 and the Cabinet on 6 December 2021.
- 4.2 There is no fee payable to the search and select recruitment company through which the candidate was originally sourced for the interim role she fulfilled. Although standard practice would be to incur cost in this scenario (temporary to permanent contract) the fee has been waived.

5 LEGAL IMPLICATIONS

- 5.1 Under Section 5 of the Local Government & Housing Act 1989 (as amended) the Council has a duty to appoint a Monitoring Officer. Neither the Head of Paid Service nor the Chief Finance Officer can hold the position of Monitoring Officer. The Monitoring Officer has a number of statutory duties and responsibilities relating to the arrangements for effective governance ensuring that no decision or omission of the Council is likely to give rise to illegality or maladministration, and the promotion of high standards of conduct.

6. RISK ASSESSMENT

- 6.1 The original recruitment exercise was robust and the candidate has been carrying out the responsibilities of Monitoring Officer satisfactorily since May 2021. Formal employment checks (including references) have been undertaken and are satisfactory.

7. EQUALITIES IMPACT

- 7.1 The Council's employment practices are consistent with Equalities legislation

8. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

- 8.1 None

9. ALTERNATIVE OPTIONS



9.1 The Council has a statutory duty to appoint to this role.

10. BACKGROUND PAPERS

10.1 None

(END)