

Agenda

Meeting name	Meeting of the Council
Date	Wednesday, 26 April 2023
Start time	6.30 pm
Venue	Mary's Place, Burton Street, Melton Mowbray, LE13 1AE
Other information	This meeting is open to the public

Members of the Council are summoned to the above meeting to consider the following items of business.

Edd de Coverly
Chief Executive

Membership

Councillors	A. Hewson (Chair)	E. Holmes (Vice-Chair)
	S. Atherton	R. Bindloss
	R. Browne	S. Carter
	P. Chandler	R. Child
	P. Cumbers	R. de Burle
	J. Douglas	C. Evans
	P. Faulkner	C. Fisher
	A. Freer	M. Glancy
	M. Graham MBE	L. Higgins
	J. Illingworth	S. Lumley
	J. Orson	P. Posnett MBE
	D. Pritchett	R. Smith
	T. Webster	J. Wilkinson
	P. Wood	

Quorum: 14 Councillors

Meeting enquiries	Democratic Services
Email	democracy@melton.gov.uk
Agenda despatched	Tuesday, 18 April 2023

No.	Item	Page No.
1.	APOLOGIES FOR ABSENCE	
2.	DECLARATIONS OF INTEREST Members to declare any interest as appropriate in respect of items to be considered at this meeting.	1 - 2
3.	APPOINTMENT OF MONITORING OFFICER The Chief Executive is to present a report regarding the appointment of a Monitoring Officer.	3 - 8

MEMBER INTERESTS

Do I have an interest?

1 DISCLOSABLE PECUNIARY INTERESTS (DPIs)

A “Disclosable Pecuniary Interest” is any interest described as such in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and includes an interest of yourself, or of your Spouse/Partner (if you are aware of your Partner's interest) that falls within the following categories: Employment, Trade, Profession, Sponsorship, Contracts, Land/Property, Licences, Tenancies and Securities.

A Disclosable Pecuniary Interest is a Registerable Interest. Failure to register a DPI is a criminal offence so register entries should be kept up-to-date.

2 OTHER REGISTERABLE INTERESTS (ORIs)

An “Other Registerable Interest” is a personal interest in any business of your authority which relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority; or
- b) any body
 - (i) exercising functions of a public nature
 - (ii) any body directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

3 NON-REGISTRABLE INTERESTS (NRIs)

“Non-Registrable Interests” are those that you are not required to register but need to be disclosed when a matter arises at a meeting which directly relates to your financial interest or wellbeing or a financial interest or wellbeing of a relative or close associate that is not a DPI.

In each case above, you should make your declaration at the beginning of the meeting or as soon as you become aware. In any other circumstances, where Members require further advice they should contact the Monitoring Officer or Deputy Monitoring Officer in advance of the meeting.

Declarations and Participation in Meetings

1 DISCLOSABLE PECUNIARY INTERESTS (DPIs)

- 1.1 Where a matter arises at a meeting which **directly relates** to one of your Disclosable Pecuniary Interests which include both the interests of yourself and your partner then:
- a) you must disclose the interest;
 - b) not participate in any discussion or vote on the matter; and
 - c) must not remain in the room unless you have been granted a Dispensation.

2 OTHER REGISTERABLE INTERESTS (ORIs)

- 2.1 Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests i.e. relating to a body you may be involved in:
- a) you must disclose the interest
 - b) may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter; and
 - c) must not remain in the room unless you have been granted a Dispensation.

3 NON-REGISTRABLE INTERESTS (NRIs)

- 3.1 Where a matter arises at a meeting, which is not registrable but may become relevant when a particular item arises i.e. interests which relate to you and /or other people you are connected with (e.g. friends, relative or close associates) then:
- a) you must disclose the interest;
 - b) may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter; and
 - c) must not remain in the room unless you have been granted a Dispensation.

4 BIAS

- 4.1 Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias. If you have been involved in an issue in such a manner or to such an extent that the public are likely to perceive you to be biased in your judgement of the public interest (bias):
- a) you should not take part in the decision-making process
 - b) you should state that your position in this matter prohibits you from taking part
 - c) you should leave the room.

In each case above, you should make your declaration at the beginning of the meeting or as soon as you become aware. In any other circumstances, where Members require further advice they should contact the Monitoring Officer or Deputy Monitoring Officer in advance of the meeting.



Helping people | Shaping places



Council

26 April 2023

Report of: Chief Executive

Appointment of Monitoring Officer

Corporate Priority:	Ensuring the right conditions to support delivery (inward)
Relevant Ward Member(s):	N/A
Date of consultation with Ward Member(s):	N/A
Exempt Information:	No

1 Summary

- 1.1 To seek the agreement of Council to appoint Alison McKane as the Council's interim Monitoring Officer

2 Recommendations

That Council:

- 2.1 Appoints Alison McKane as the Council's interim Monitoring Officer from 29 May 2023 until such time that a permanent appointment has been made.
- 2.2 Approves a supplementary estimate of £46,200 from the Corporate Priorities Reserve to meet the additional costs of the interim arrangements.

3 Reason for Recommendations

- 3.1 It is a requirement in law that the Council has a Monitoring Officer and this report ensures that the Council continues to comply with the law.

4 Background

- 4.1 Kieran Stockley, the current Monitoring Officer has secured a new role and tendered her resignation. Kieran will be leaving the Council on 28 May 2023.
- 4.2 In order to ensure a smooth transition, it is necessary to fill the role on an interim basis pending a permanent appointment to minimise the risk of Council not having a Monitoring Officer. It is also important that appropriate employee support is in place to cover the remaining days of the week and to support the opportunity for the development of existing employees.

5 Main Considerations

- 5.1 Permanent recruitment to the post will start after the election enabling the new (interim) Monitoring Officer to review current arrangements and ensure resourcing and processes are able to best support the new Council. It is anticipated the interim arrangements will be in place for approximately 6 months.
- 5.2 Section 5 of the Local Government and Housing Act 1989 requires the Council to designate one of its officers as the Monitoring Officer.
- 5.3 The Monitoring Officer has a number of statutory duties and responsibilities relating to the Council's constitution and arrangements for effective governance which include maintaining an up-to-date constitution, ensuring decisions made by the Council do not give rise to illegality or maladministration and promoting high standards of conduct. The role also includes proper officer designation of Data Protection Officer.
- 5.4 The Monitoring Officer cannot be the Head of Paid Service or the Chief Finance Officer.
- 5.5 The Chief Executive, following consultation with the Group Leaders is recommending that Alison McKane, an experienced local government lawyer, is appointed to the role of Interim Assistant Director for Governance & Democracy (Interim Monitoring Officer) with effect from 29 May 2023. Alison is a former Director of Legal & Governance providing legal advice and acting as Monitoring Officer to one of London's most dynamic inner-city boroughs.
- 5.6 Alison has extensive experience of advising the Chief Executive, Directors and Members on all aspects of local government law and decision making, promoting high levels of integrity and corporate governance and ensuring that the Council's decision-making processes and constitutional arrangements, standards and policies are adhered to.
- 5.7 Alison is highly resilient with an ability to work under pressure whilst also collaboratively with Senior Managers and Members to create an organisational culture which is motivational, with a focus on excellent client relations and the fostering of excellent performance and innovation amongst staff.
- 5.8 Alison will work 3-days per week and will be supported in her role as interim Monitoring Officer by the Deputy Monitoring Officer, Natasha Taylor.
- 5.9 As this is a part time appointment, arrangements will be put in place to enable the development of existing members of the team through some temporary acting up arrangements.

6 Options Considered

- 6.1 Having considered the current context and available resources, alongside the legal requirement to have a statutory monitoring officer in post and the need to support the new Council effectively, it is considered necessary to appoint an experienced Monitoring Officer for an interim period. The postholder would support the current legal and governance teams, and will provide professional development opportunities through various acting up arrangements during the transitional period.
- 6.2 Due to the timescales involved in recruitment, an interim appointment is necessary. Even initiating an immediate recruitment for a permanent appointment would not have been concluded prior to the departure of the current incumbent (28 May 2023). Given the proximity of the local elections, it is also not considered prudent to initiate an immediate recruitment process, rather this will commence afterwards. It is therefore anticipated that the interim arrangements will be in place for approximately 6 months.
- 6.3 Failure to appoint a Monitoring Officer would leave the Council unable to meet its statutory duties. The Council therefore sought interim support.

7 Consultation

- 7.1 No formal consultation is required however the legal and democratic services team have been consulted and are supportive of the proposals.
- 7.2 The Group Leaders and the Chair of Audit and Standards have been consulted

8 Next Steps – Implementation and Communication

- 8.1 A handover is being arranged between the current post holder and the interim to ensure a smooth transition.

9 Financial Implications

- 9.1 The additional cost of the interim arrangement for a 6 month period plus some hand over days before the formal start date is £40,340 in excess of the salary saving for the period. In addition the acting up arrangement for the other members of the team is a further £5,860 additional cost. At this stage of the financial year there are no budget savings that can be identified to meet this total additional cost of £46,200 and therefore a supplementary estimate from the Corporate Priorities Reserve is requested.

Financial Implications reviewed by: Director for Corporate Services

10 Legal and Governance Implications

- 10.1 Section 5(1)(a) of the Local Government & Housing Act 1989 states that:
“It shall be the duty of every relevant authority to - designate one of their officers (to be known as “the monitoring officer”) as the officer responsible for the duties imposed by this section”
- 10.2 Whilst appointments to Chief Officer posts would normally be made by the Employment Committee, this post is an interim position and there is a delegation to the Chief Executive enabling interim appointments for up to 6 months however the appointment of a Monitoring Officer may only be exercised by Council.
- 10.3 As detailed in para 5.5, Group Leaders have been consulted prior to this report being submitted.

Legal Implications reviewed by: Monitoring Officer

11 Equality and Safeguarding Implications

11.1 An Equality Impact Assessment (EqIA) has not been completed for the following as this report does not impact on Council policies and procedures.

12 Community Safety Implications

12.1 None

13 Environmental and Climate Change Implications

13.1 None

14 Other Implications (where significant)

14.1 None

15 Risk & Mitigation

Risk No	Risk Description	Likelihood	Impact	Risk
1	Failure to have an appointed Monitoring Officer	Low	Critical	9

		Impact / Consequences			
		Negligible	Marginal	Critical	Catastrophic
Likelihood	Score/ definition	1	2	3	4
	6 Very High				
	5 High				
	4 Significant				
	3 Low			1	
	2 Very Low				
	1 Almost impossible				

Risk No	Mitigation
1	Council to appoint a Monitoring Officer prior to existing Monitoring Officer's departure

16 Background Papers

16.1 None

17 Appendices

17.1 None

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