



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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