



# Appointment of Monitoring Officer (Assistant Director for Governance & Democracy)

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<b>Chief Officer Responsible:</b>	<b>Edd de Coverley, Chief Executive</b> 01664 502536 edecoverley@melton.gov.uk
<b>Lead Member/Relevant Portfolio Holder</b>	<b>Councillor Margaret Glancy, Deputy Leader</b>

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

## 1 Summary

1.1 Following a recommendation from the Employment Committee, to seek the agreement of Council to appoint Clive Tobin as the Council’s Monitoring Officer.

## 2 Recommendations

<b>That Council:</b>	
2.1	<b>Appoints Clive Tobin as the Council’s Monitoring Officer with effect from a date to be confirmed, in line with the commencement of his employment with the Council as Assistant Director for Governance and Democracy, anticipated to be no later than January 2024.</b>

## 3 Reason for Recommendations

- 3.1 It is a requirement in law for the Council to have a Monitoring Officer and this appointment will ensure that the Council continues to comply with the law.
- 3.2 The role of Monitoring Officer is a statutory role within the Council and appointment of the Monitoring Officer is a matter for Full Council.
- 3.3 Following a comprehensive and robust recruitment process, the Employment Committee has made a recommendation to Council that Clive Tobin should be appointed.

## **4 Background**

- 4.1 The previous permanent Monitoring Officer left the Council in May 2023, and the post of Assistant Director for Governance & Democracy (Monitoring Officer) has been filled on an Interim basis since that time by Alison McKane.
- 4.2 The recruitment process for the permanent Monitoring Officer has been undertaken by the Employment Committee and following an assessment and interview process, the Employment Committee at its meeting on 21 September 2023, resolved to make an offer of appointment to the successful candidate for the post of Assistant Director for Governance & Democracy including Monitoring Officer, subject to the approval of Full Council and to recommend the appointment of Monitoring Officer to Council at its meeting on 28 September 2023.
- 4.3 Subject to approval by Full Council, the Chief Executive in consultation with HR will exercise his delegated authority to agree the final offer of employment including start date, anticipated to be no later than January 2024.

## **5 Main Considerations**

- 5.1 Section 5 of the Local Government Act and Housing Act 1989 requires the Council to designate one of its officers as the Monitoring Officer.
- 5.2 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 that decisions made by the Council are made lawfully and promoting high standards of conduct.
- 5.3 The Monitoring Officer cannot be the Head of Paid Service or the Chief Finance Officer.
- 5.4 The successful candidate has been through a rigorous recruitment process, including a technical assessment, psychometric testing, a stakeholder engagement panel and a final interview by the Employment Committee. The process has ensured that all competencies and skills have been tested and the Employment Committee voted unanimously to select Clive Tobin as the new Monitoring Officer. Clive is a solicitor with over 30 years of wide-ranging experience working in Local Government and is currently a Monitoring Officer and Head of Legal Services in another Borough Council.

## **6 Options Considered**

- 6.1 Not to recruit to the vacancy, however all Councils are under a legal obligation to appoint a Monitoring Officer responsible for the legal governance of the Council. Not making a permanent appointment would require interim arrangements to continue.

## **7 Consultation**

- 7.1 The selection process for the Monitoring Officer has included feedback from a stakeholder panel which has been made up of senior officers from within the Council and their considerations have been taken into account in making the recommendation to appoint.

## **8 Next Steps – Implementation and Communication**

- 8.1 A handover with the current interim Monitoring Officer will be arranged to ensure a smooth transition and it is anticipated that the new Monitoring Officer will take up their appointment in December 2023/January 2024 allowing for a suitable notice period.

## 9 Financial Implications

- 9.1 The Assistant Director for Governance & Democracy and Monitoring Officer post is vacant and is a permanent role on the approved, budgeted establishment and therefore there is a budget in place to fund this post.

**Financial Implications reviewed by: Director for Corporate Services**

## 10 Legal and Governance Implications

- 10.1 Section 5(1)(a) of the Local Government and 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 The role of Monitoring Officer is a statutory role within the Council and appointment of the Monitoring Officer is a matter for Full Council.
- 10.3 In accordance with the Local Government Act 1972, s.112 “every appointment of a person to paid office or employment by the Council must be made on merit”.
- 10.4 In accordance with the Officer Employment Procedure Rules the Chief Executive will inform each member of the Cabinet of the proposed appointment providing relevant particulars of the appointee. Any objection has to be made via the Leader and has to be well founded or material. No objection has been received in response to the notification.

**Legal Implications reviewed by: Interim Assistant Director for Governance & Democracy (Monitoring Officer).**

## 11 Equality and Safeguarding Implications

- 11.1 Members of the Employment Committee have received recruitment and selection training.

## 12 Data Protection Implications (Mandatory)

- 12.1 A Data Protection Impact Assessments (DPIA) has not been completed.
- 12.2 HR activities are conducted in accordance with the Data Protection Act 2018.

## 13 Community Safety Implications

- 13.1 N/A

## 14 Environmental and Climate Change Implications

- 14.1 N/A

## 15 Other Implications (where significant)

- 15.1 N/A

## 16 Risk & Mitigation

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

		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 as recommended

## 17 Background Papers

17.1 None

## 18 Appendices

18.1 None