



WEST OXFORDSHIRE
DISTRICT COUNCIL

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Name and date of Committee	Council: Wednesday 28 July 2021
Report Number	Agenda Item No. 13
Subject	Appointment of Monitoring Officer
Wards affected	ALL
Accountable member	Councillor Michele Mead, Leader of Council Email: Michele.Mead@westoxon.gov.uk
Accountable officer	Giles Hughes, Chief Executive Email: Giles.Hughes@westoxon.gov.uk
Summary/Purpose	To update members on arrangements to cover the Monitoring Officer role. 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	That the Chief Executive be authorised to appoint an interim Monitoring Officer for the Council for a period of up to six months, following liaison with the Group Leaders.
Corporate priorities	Modern Council Services and Sustainable Finance: Delivering excellent modern services whilst ensuring the financial sustainability of the Council.
Key Decision	N/A
Exempt	No
Consultees/ Consultation	N/A

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 parish councils.
- 1.3 The current Monitoring Officer, Mr Keith Butler has recently tendered his resignation, and the Council now needs to appoint a new Monitoring Officer who can be in place when Mr Butler leaves.

2. MAIN POINTS

- 2.1. The role of the Monitoring Officer requires detailed knowledge of local government law and procedure.
- 2.2. A permanent replacement would be unlikely to be able to take up the role for some time having regard to the recruitment process and the serving of any notice period, and therefore it is necessary to secure some interim cover.
- 2.3 An interim appointment will also allow a wider consideration of the options for the Monitoring Officer role long term, including options for these responsibilities to be handled with the legal service.

3. FINANCIAL IMPLICATIONS

- 3.1 There is a budget for the current Monitoring Officer role, which is a full time position, but this also covers wider responsibilities such as Elections. It is anticipated that the interim Monitoring Officer role will be on a part time basis, as it will focus on the Monitoring Officer responsibilities.

4. LEGAL IMPLICATIONS

- 4.1 As set out the Council is required to appoint one of its officers to act as Monitoring Officer

5. RISK ASSESSMENT

- 5.1 The recruitment exercise and employment checks (including references) for the interim role will need to be robust and appropriate.

6. EQUALITIES IMPACT

- 6.1. The Council's employment practices are consistent with equalities legislation.

7. ALTERNATIVE OPTIONS

- 7.1. Members could decide not to delegate authority for the appointment, but this would necessitate an additional Council meeting to make the interim appointment, as an appointment is required by the end of the summer at the latest.

8. BACKGROUND PAPERS

- 8.1. None.