



WEST OXFORDSHIRE
DISTRICT COUNCIL

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Name and date of Committee	COUNCIL – 23 FEBRUARY 2022
Report Number	Agenda Item 12
Subject	DESIGNATION OF MONITORING OFFICER
Wards affected	ALL
Accountable member	Cllr M Mead, Leader of the Council Email: Michele.mead@westoxon.gov.uk
Accountable officer	Giles Hughes, Chief Executive Email: giles.hughes@westoxon.gov.uk
Summary/Purpose	To designate the Council's Monitoring Officer.
Annexes	None
Recommendation/s	<i>a) That Council resolves to designate Susan Sale as the Council's Monitoring Officer on an interim 12 month basis with effect from 1st March 2022.</i> <i>b) The Council notes the intention of the Monitoring Officer to designate Susan Gargett and Amy Bridgewater-Carnall as Deputy Monitoring Officers on an interim 12 month basis with effect from 1st March 2022.</i>
Corporate priorities	Modern Council Services and Sustainable Finance: Delivering excellent modern services whilst ensuring the financial sustainability of the Council.
Key Decision	NO
Exempt	NO
Consultees/ Consultation	Group Leaders Deputy Chief Executive Interim Head of Legal Services Interim Monitoring Officer

1. BACKGROUND

The existing arrangements for the interim designation of Monitoring Officer come to an end on 28th February 2022 when the current Monitoring Officer, Angela Claridge, takes up her full time substantive role as Monitoring Officer at Cotswold District Council.

2. MAIN POINTS

2.1. The Council has a duty under section 5(1) of the Local Government and Housing Act 1989 to designate one of its officers as the Monitoring Officer to be responsible for specified statutory functions. The Monitoring Officer is not required to be an employee of the Authority and cannot be the Head of Paid Service or s151 Officer.

2.2. The designation to the statutory role of Monitoring Officer is not automatic in law and must be confirmed by full Council.

2.3. The duties and responsibilities of the Monitoring Officer are summarised in the Council's Constitution and set out in the Local Government and Housing Act 1989 and the Localism Act 2011.

2.4. Susan Sale is currently employed on a full time permanent basis as the Head of Law and Governance at Oxford City Council and designated as the Monitoring Officer for that authority. It is proposed that she further be designated as the Monitoring Officer by West Oxfordshire District Council on an interim basis from 1st March 2022 for 12 months. It is anticipated that the Monitoring Officer will remain an employee of Oxford City Council whilst being seconded to West Oxfordshire District Council for the interim period, and will dedicate 2 days a week to the role. The law requires the Monitoring Officer to be an Officer of the Council, but not necessarily an employee, giving rise to lawful opportunity for 'shared' Monitoring Officer arrangements.

2.5. The Monitoring Officer designation is a Council appointment. However, the designation of Deputy Monitoring Officer(s) is a personal appointment by the Monitoring Officer. Susan Sale has indicated that she will be appointing Susan Gargett (interim Head of Legal Services) and Amy Bridgewater-Carnall (Democratic Services Manager) immediately on taking up her role, to be deputy Monitoring Officers, which they have agreed to.

3. FINANCIAL IMPLICATIONS

3.1. It is proposed that West Oxfordshire District Council will pay Oxford City Council £72,109 for the interim 12 month period for provision of the Monitoring Officer.

4. LEGAL IMPLICATIONS

4.1. The legal requirements for the Council to have an officer correctly appointed to the role of Monitoring Officer is addressed above.

4.2. The role of Monitoring Officer does not need to be held by an employee of the Council in law.

4.3. The designation of the role of Monitoring Officer is a function of the Council and cannot be delegated to an Officer.

5. EQUALITIES IMPACT

The Council's employment practices are consistent with equalities legislation

6. BACKGROUND PAPERS

6.1. None.