



REPORT TO: COUNCIL

DATE: 7 APRIL 2022

REPORT OF THE: PROGRAMME DIRECTOR, PLACE AND RESOURCES
PHILLIP SPURR

TITLE OF REPORT: DESIGNATION OF MONITORING OFFICER

WARDS AFFECTED: ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 This report requests that Council approves the designation of the Monitoring Officer, and sets out the reasons for this request.
- 1.2 The Council's new Head of Corporate Governance formally starts in post on 26th April 2022, and, subject to Council approval, is to be designated as Monitoring Officer.

2.0 RECOMMENDATIONS

- 2.1 That Council approves:
- (i) the proposal that Elizabeth Heath is appointed as the council's Monitoring Officer.

3.0 REASON FOR RECOMMENDATIONS

- 3.1 To ensure that the Council is meeting its statutory obligations by having a Monitoring Officer in place.

4.0 SIGNIFICANT RISKS

- 4.1 Failure to designate a Monitoring Officer would mean that the Council would not comply with the requirements of the Local Government and Housing Act 1989 (as amended).
- 4.2 The most significant risk associated with not appointing a Monitoring Officer is that failure to do so would place the Council in the position that there would be no Officer

with the personal responsibility for the discharge of the required corporate legal propriety functions.

5.0 POLICY CONTEXT

5.1 Section 5 of the Local Government and Housing Act 1989 (as amended), requires the Council to designate a Monitoring Officer.

Monitoring Officer

5.2 The Monitoring Officer has a number of statutory duties and responsibilities relating to the Council's Constitution and our arrangements for effective governance. These duties include maintaining the Constitution, ensuring that no decision or omission of the Council is likely to give rise to unlawfulness or maladministration, and promoting high standards of conduct. These responsibilities are set out in Article 11.3 of the Constitution and repeated below:

- **Maintaining the Constitution:** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Members, staff and the public.
- **Ensuring lawfulness and fairness of decision making:** After consulting the Head of Paid Service and Chief Financial Officer, the Monitoring Officer will report to the Full Council if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- **Supporting the Overview and Scrutiny Committee acting as the Corporate Governance Standards Committee:** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Overview and Scrutiny Committee acting as the Corporate Governance Standards Committee.
- **Conducting investigations:** The Monitoring Officer will conduct investigations into matters and make reports or recommendations in respect of them to the Overview and Scrutiny Committee acting as the Corporate Governance Standards Committee.
- **Providing advice:** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety and probity to all Councillors.
- **Restrictions on posts:** The Monitoring Officer cannot be the Chief Financial Officer or the Head of Paid Service.

REPORT

6.0 BACKGROUND AND INTRODUCTION

6.1 A restructure of the Corporate Governance and Finance service within the Council was implemented following a review by the s151 Officer in 2019. The new structure has

ensured that there is sufficient capacity within the Council to improve performance and to ensure that all of our governance functions, including support to Members, will operate effectively. It will also mean that members of staff have clarity about their roles and responsibilities. The permanent Head of Corporate Governance and Monitoring Officer roles have been vacant since January 2022.

- 6.2 An Interim Head of Corporate Governance and Interim Monitoring Officer has been in post pending a permanent appointment to the roles. In the absence of a forthcoming Council meeting the appointment as Interim Monitoring Officer was dealt with as an Urgent Decision taken by the Chief Executive on 2nd February 2022 given that, as highlighted above, it is essential that the Council has a Monitoring Officer in place to fulfil its statutory responsibilities.
- 6.3 Following a recruitment process and an assessment of suitability, Elizabeth Heath has been appointed to the permanent Head of Corporate Governance role and will formally take up this post on 26th April 2022. This report seeks Council consent to appoint Elizabeth as permanent Monitoring Officer.
- 6.4 Article 4 (r) of the Council's Constitution states that Full Council is responsible for "All matters which by law must be reserved to Council". Section 5 of the Local Government and Housing Act 1989 (as amended) confers the duty upon Full Council to appoint a Monitoring Officer.

7.0 IMPLICATIONS

7.1 The following implications have been identified:

- a) Financial
As highlighted at 6.3, above, a new Job Description for the post went through Job Evaluation in February 2022. The evaluation resulted in a Grade of 12, with a salary range for the Head of Corporate Governance role of £58,366 - £62,487. An additional payment of £2,727 to cover additional responsibilities including the provision of legal support is in place, resulting in a total salary package of £61,093 - £65,214.
- b) Legal
There are no additional legal issues for the Council flowing from the recommendation.
- c) Other
There are no other implications (such as Equalities, Planning, Health & Safety, Environmental, Climate Change, Crime & Disorder) arising from this report and recommendation.

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Background Papers: None