



ANNUAL COUNCIL

17th MAY 2023

REPORT TITLE:	Appointment of Monitoring Officer
REPORT OF:	Jonathan Stephenson, Chief Executive

REPORT SUMMARY

This report seeks the Council's approval of the appointment of the Monitoring Officer.

All Councils are required to appoint a Monitoring Officer pursuant to s.5 of the Local Government and Housing Act 1989. At Brentwood Borough Council, this role is usually aligned with the Director of People and Governance post. Following two rounds of external recruitment, the Council has been unable to make a permanent appointment to this post and the interim Monitoring Officer will be leaving at the end of May 2023. The Head of Paid Service has, therefore, offered an interim acting up opportunity to the managers within the People and Governance directorate.

Following an expressions of interest process Claire Mayhew, the current Deputy Monitoring Officer, is recommended to Council for the Monitoring Officer role.

RECOMMENDATIONS

That the appointment as Monitoring Officer of Claire Mayhew be confirmed.

SUPPORTING INFORMATION

1.0 REASONS FOR RECOMMENDATIONS

The Council is legally required to appoint a Monitoring Officer. The roles is currently being filled by an interim appointment which will end on 31 May 2023. Therefore, the Council needs to make a new appointment at the Annual Council meeting to ensure that there is a successor in place.

2.0 OTHER OPTIONS CONSIDERED

2.1 Doing nothing is not an option as the Council would be without a Monitoring from 31 May 2023.

2.2 A further recruitment exercise has been considered, however it is unlikely that a successful candidate would be found in the current challenging recruitment market so close to the previous advertising campaign.

2.3 A further interim appointment has been considered, however for continuity reasons and to help develop our own staff, we consider an acting up approach to be more suitable at this time.

3.0 BACKGROUND INFORMATION

3.1 The Council must appoint a Monitoring Officer in accordance with Section 5 of the Local Government & Housing Act 1989. Section 9.3 of Article 9 of the Constitution sets out the Functions of the Monitoring Officer as follows:

(a) **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.

(b) **Ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the Council if he/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.

(c) **Proper officer for access to information.** The Monitoring Officer will ensure that decisions, together with the reasons for those decisions and relevant reports and background papers are made publicly available as soon as possible.

(d) **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 members.

(e) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

(f) The statutory duty of the Monitoring Officer shall be performed personally or, where he/she is unable to act owing to absence or illness, personally by such member of their staff as he/she has for the time being nominated as his/her deputy for the purposes of s5 Local Government and Housing Act 1989.

4.0 FINANCIAL IMPLICATIONS

Name & Title: Tim Willis, Director – Resources & Section 151 Officer
Tel & Email: 01277 312500 / tim.willis@brentwood.rochford.gov.uk

The Monitoring Officer is awarded a statutory officer fee of £5,000 per annum. This will be funded from existing budgets.

5.0 LEGAL IMPLICATIONS

Name & Title: Andrew Hunkin, Director – People & Governance & Monitoring Officer
Tel & Email 01277 312500 / andrew.hunkin@brentwood.rochford.gov.uk

The Council must appoint a Monitoring Officer in accordance with Section 5 of the Local Government & Housing Act 1989. The proposed postholder is not restricted from holding this statutory role.

6.0 ENGAGEMENT/CONSULTATION

6.1 This appointment has been recommended in consultation with the political group leaders.

7.0 EQUALITY IMPLICATIONS

Name & Title: Kim Anderson, Corporate Manager - Communities, Leisure and Health
Tel & Email 01277 312500 kim.anderson@brentwood.gov.uk

The expressions of interest process has been conducted in line with HR policies and the Council's equalities duty. There is no requirement for a further equalities impact assessment.

8.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

Name & Title: Phil Drane, Director - Place
Tel & Email 01277 312500 / phil.drane@brentwood.rochford.gov.uk

There are no environment and climate implications arising from this report.

REPORT AUTHOR: **Name:** Zoey Foakes
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APPENDICES

None

BACKGROUND PAPERS

None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Ordinary Council	7.12.2022
Ordinary Council	27.7.2022
Ordinary Council	22.01.2020