

**27 January 2016**

**Ordinary Council**

**Appointment of Monitoring Officer**

**Report of:** *Philip Ruck – Head of Paid Service*

**Wards Affected:** *All*

**This report is:** *Public*

**1. Executive Summary**

1.1 To appoint the Monitoring Officer for Brentwood Borough Council

**2. Recommendation**

**2.1 That Daniel Toohey is temporarily appointed as the Council's Monitoring Officer in accordance with Section 5 of the Local Government & Housing Act 1989. The appointment will be subject to regular review by the Head of Paid Service in consultation with Group Leaders.**

**3. Introduction and Background**

3.1 The Staff Appointment Committee (SAC) met on Monday 11th January 2016 to discuss the interim arrangements for the Monitoring Officer post.

3.2 Mr Christopher Potter, the Council's previous Monitoring Officer resigned with immediate effect on 30<sup>th</sup> November 2015.

3.3 The SAC therefore considered the interim arrangements and agreed that Barking, Dagenham and Thurrock Legal Services would provide cover for the Monitoring Officer role.

#### **4. Issue, Options and Analysis of Options**

- 4.1 The Council has a duty to ensure that the statutory post of Monitoring Officer is occupied. The interim appointment of Mr Toohey fulfils that obligation whilst a more permanent solution is determined.

#### **5. Reasons for Recommendation**

##### **5.1 The Monitoring Officer Role:**

Part one article 9.3 of the constitution sets out the duties of the Monitoring Officer, which are in brief:

- a. Maintaining the constitution
- b. Ensuring lawfulness and fairness of decision making
- c. Proper officer for access to information
- d. Providing advice

##### **5.2 Appointment Process:**

Part 3.1 section 2.8(a) of the constitution allows for the Staff Appointments Committee to appoint the Monitoring Officer.

Under part 3.1 section 1.2(p) Ordinary Council must confirm the appointment.

#### **6. Consultation**

- 6.1 None

#### **7. References to Corporate Plan**

- 7.1 None

#### **8. Implications**

##### **Financial Implications**

**Name & Title: Chris Leslie, Finance Director**

**Tel & Email: 01277 312 542 [christopher.leslie@brentwood.gov.uk](mailto:christopher.leslie@brentwood.gov.uk)**

- 8.1 There is an existing budget to fund the cost of a Monitoring Officer.

##### **Legal Implications**

**Name & Title: Saleem Chughtai, Legal Services Manager**

**Tel & Email: 01277 312 860 [saleem.chughtai@brentwood.gov.uk](mailto:saleem.chughtai@brentwood.gov.uk).**

It is a requirement under Section 5 of the Local Government and Housing Act 1989 (Section 5 as amended by Schedule 5 paragraph

24 of the Local Government Act 2000) that the Council has a statutory duty to appoint a Monitoring Officer.

The Monitoring Officer has a number of statutory duties and responsibilities to ensure that the Council, its officers and its elected members maintain the highest standard of conduct, and ensures that no decision or omission of the Council is likely to give rise to illegality or maladministration and promoting high standards of conduct.

The Monitoring Officer has three main roles:-

- 1) To report on matters the Monitoring Officer believes are, or are likely to be illegal or amount to maladministration and to ensure that no decision or omission of the Council is likely to give rise to illegality or maladministration.
- 2) To be responsible for matters relating to the conduct of councillors and officers and promoting high standards of conduct.
- 3) To be responsible for maintaining and operation of the Council's constitution.

**Other Implications** (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

8.2 None

**9. Background Papers** (include their location and identify whether any are exempt or protected by copyright)

9.1 None

**10. Appendices to this report**

- None

**Report Author Contact Details:**

**Name:** Philip Ruck

**Telephone:** 01277 312569

**E-mail:** Philip.Ruck@brentwood.gov.uk