

REPORT TITLE: APPOINTMENT OF MONITORING OFFICER

COUNCIL 6 NOVEMBER 2024

REPORT OF THE CHIEF EXECUTIVE

Contact Officer: Laura Taylor Email: ltaylor@winchester.gov.uk

WARD(S): ALL

PURPOSE

The role of Monitoring Officer is one of three statutory posts that the Council must have in place and due to a change in staffing arrangements, Council are recommended to appoint the Director (Legal) to this role.

RECOMMENDATION:

1. That Gareth John, Director (Legal) is appointed Monitoring Officer for the Council with effect from 6 November 2024

1 SUPPORTING INFORMATION:

- 1.1 The Monitoring Officer is a statutory appointment and has specific responsibilities in respect of ensuring good governance within the authority. Section 5 of the Local Government and Housing Act (1989) as amended sets out the legal basis. There is no requirement for the Monitoring Officer to be legally trained, but if they are not, they must have access to legal advice.
- 1.2 The Monitoring Officer has a range of functions that they need to perform. Some of the key elements are:
- (i) Reporting to the Authority in any case where the Monitoring Officer is of the opinion that any proposal or decision of the Authority has or is likely to give rise to any illegality or maladministration
 - (ii) To be responsible for matters relating to the conduct of members and officers, including investigations into allegations about the conduct of Members
 - (iii) To be responsible for the operation of the constitution
- 1.3 Gareth John is a qualified solicitor and has been Monitoring Officer at another authority. He is appropriately qualified and experienced for the role and as a Director of the Council has appropriate seniority to fulfil the role.

2 OTHER OPTIONS CONSIDERED AND REJECTED

- 2.1 The role of Monitoring Officer is a statutory post and an appointment must be made.