

REPORT TITLE: APPOINTMENT OF MONITORING OFFICER

15 MAY 2019

REPORT OF THE CHIEF EXECUTIVE

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WARD(S): ALL

PURPOSE

Due to the resignation of the existing post holder it is necessary to appoint a Monitoring Officer for the Council. The Monitoring Officer is one of three statutory posts that the Council must have in place (the other being the Head of Paid Service and the Section 151 Officer).

RECOMMENDATIONS:

That Lisa Kirkman, Corporate Head of Service (Resources) is appointed Monitoring Officer for the Council with effect from 15 May 2019.

## 1 SUPPORTING INFORMATION:

- 1.1 Our Head of Legal Services (interim) has been offered and accepted a new role with another local authority. The Head of Legal Services (interim) is also appointed as Monitoring Officer for the Council.
- 1.2 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.
- 1.3 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
- 1.4 Lisa Kirkman, Corporate Head of Service (Resources) is a qualified solicitor and has been Monitoring Officer at another authority. She is appropriately qualified and experienced for the role. She is also currently deputy Monitoring Officer at Winchester City Council.

## 2 OTHER OPTIONS CONSIDERED AND REJECTED

- 2.1 The role of Monitoring Officer is a statutory post and an appointment must be made. The Chief Executive could use urgency powers to appoint a Monitoring Officer, but Annual Council on 15 May is available to make this appointment .