

Report of the Deputy Chief Executive/Director of Customer & Corporate Services

## **Designation of Interim Monitoring Officer**

### **Summary**

1. This report sets out the appropriate statutory powers and seeks Full Council approval to:
  - i. Remove the designation of the role of Monitoring Officer from the current post of Assistant Director (Legal & Governance); and
  - ii. Re-designate the role to the new Interim Assistant Director (Legal & Governance) upon their appointment by the Appointments Sub-Committee set up by Staffing Matters and Urgency Committee.
2. The Lord Mayor, as Chair of Full Council, has agreed to accept this report onto the agenda under statutory urgent business provisions, in view of the statutory requirements for the Council to designate one Monitoring Officer and the absence of current designee. There being also no further ordinary meeting of Full Council until July 2019.

### **Background**

3. Section 5 of the Local Government and Housing Act 1989 requires the Council to designate one of its Officers as the Monitoring Officer. The Monitoring Officer may not also be the Council's Chief Finance Officer or the Chief Executive/Head of Paid Service.
4. The Assistant Director (Legal & Governance) at CYC is designated as the Council's Monitoring Officer for the purpose of the statutory duty as required by law.
5. The current post holder is absent from work, however there are two members of staff who are currently appointed as Deputy Monitoring Officers at CYC, covering the statutory duties of the role.

6. Staffing Matters and Urgency have agreed to the recruit an Interim Assistant Director Assistant Director (Legal & Governance) to cover the absence.

### **Analysis**

7. Council has to approve any changes to the designation of the Monitoring Officer. The Council is not able to designate two posts as Monitoring Officer, and hence the request for the removal of the designation from the current post holder and the designation to the Interim Assistant Director (Legal & Governance) upon appointment.

### **Consultation**

8. Appointment for the Interim Assistant Director (Legal & Governance) is a Member appointment and the Sub-Committee will decide on the successful candidate.
9. Executive Members will be advised of the successful candidate through the normal process.

### **Options**

10. Council must designate a post as the Monitoring Officer. Due to the absence of the currently designated officer, Members need to re-designate the Monitoring Officer role. Whilst the MO role does not need to be performed by a lawyer, and therefore other options are available, in reality it is important that the designated post holder has the necessary experience to perform the role.

### **Council Plan**

11. Whilst the Council Plan sets out this Council's priorities for services for the period covering 2015-2019, how we deliver those services underpins those priorities. It is important, therefore, that the Council manages delivery of its services.

### **Implications**

12. There are no implications to this report in relation to any of the following:
  - Finance
  - Equalities
  - Crime and Disorder
  - Information Technology (IT)
  - Property

13. There are implications for HR, the recruitment of the Interim Assistant Director of Legal & Governance is following the process as set out in the constitution and as agreed by Staffing Matters and Urgency Committee.
14. The legal implications associated with the recommendations in this report are governed by Section 5 of the Local Government and Housing Act 1989 which requires the Council to designate one of its Officers as the Monitoring Officer.

### **Risk Management**

15. The Council is required by law to have a monitoring officer; with the current long term absence of the post holder it is appropriate to remove designation of monitoring officer from them and to reassign upon appointment to the Interim Assistant Director (Legal & Governance).

### **Recommendations**

16. Council is asked to agree to remove the designation of Monitoring Officer from the current Assistant Director of Legal & Governance and re-designate the role of Monitoring Officer to the Interim Assistant Director Legal & Governance at the point at which their employment commences.

Reason: To ensure that the Council is operating appropriately in accordance with statutory requirements and with the necessary advice and guidance required through a monitoring officer.

## Contact Details

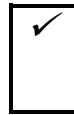
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report:**

Ian Floyd, Deputy Chief Executive and  
Director of Customer and Corporate  
Services

**Report  
Approved**



**Date** 18/03/2019

**Specialist Implications Officer(s):**

**Wards Affected:**

**All**



**For further information please contact the author of the report**

**Background Papers:**

None

**Annexes**

None

**Abbreviations**

CYC – City of York Council