

Report of the Interim Head of Paid Service

Portfolio of the Executive Leader

## **Designation of Monitoring Officer**

### **Summary**

1. Council is responsible for the designation of the statutory powers of the Monitoring Officer.
2. Currently at City of York Council (CYC) the designated Monitoring Officer is the Interim Assistant Director of Legal & Governance.
3. The Appointments Sub Committee has recruited permanently to the post of Director of Governance. The successful candidate is to commence employment with CYC on 16 December 2019.
4. Council are asked to designate the statutory role of the Monitoring Officer to the post of Director of Governance on 1 January 2020.

### **Background**

5. 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 be the Council's Chief Finance Officer or the Chief Executive/Head of Paid Service.
6. Previously the Assistant Director of Legal & Governance at CYC was designated the Council's Monitoring Officer for the purpose of the statutory duty, as required by law.
7. Through the Customer and Corporate Services restructure, earlier in 2019, the post of Assistant Director of Legal & Governance was deleted and the new post of Director of Governance was approved.

8. Staffing Matters and Urgency Committee set up an Appointments Sub Committee to recruit for the permanent position of Director of Governance.
9. The selection process was successful and Janie Berry has been appointed, in line with the Chief Officer Appointments procedures in the Council's Constitution.
10. Ms Berry commences employment with CYC on Monday 16 December 2019.

### **Analysis**

11. Council can remove the designation of Monitoring Officer from the current post and designate the statutory powers of the Monitoring Officer to the post of Director of Governance.
12. The Interim Assistant Director of Legal & Governance is in post until 31 December 2019; therefore it is recommended to re-assign the role of Monitoring Officer to the Director of Governance with effect from 1 January 2020.

### **Consultation**

13. Appointment of the Director of Governance is a member appointment and the Appointments Sub-Committee agreed on a preferred candidate.
14. Executive Members were informed of the proposed decision of the Appointments Sub-Committee and made no objections to the appointment.

### **Options**

15. Council is asked to remove the designation of Monitoring Officer from the Interim Assistant Director of Legal and Governance and re-assign to the Director of Governance effective from 1 January 2020.

### **Council Plan**

16. Whilst the recommendation proposed in the report is not necessarily material to the new Council Plan, it is consistent with the operation of an efficient Council.

## Implications

### Legal

17. Section 5 of the Local Government and Housing Act 1989 requires the Council to designate one of its officers as the Monitoring Officer, therefore reassigning to the Director of Governance as of 1 January 2020 is required.

## Risk Management

18. It is a legal requirement for the Council to have a Monitoring Officer.

## Recommendations

19. It is recommended that Council remove the designation of the role of the Monitoring Officer from the Interim Assistant Director of Legal & Governance and re-designate it to the Director Governance on 1 January 2020.

**Reason:** To ensure that the Council is compliant with its legal obligations and is operating appropriately with the necessary advice and guidance required from a Monitoring Officer.

## Contact Details

### Author:

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### Chief Officer Responsible for the report:

Ian Floyd, Interim Head of Paid Service

**Report  
Approved**



**Date** 09/12/2019

### Specialist Implications Officer(s):

### Wards Affected:

All



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

**Background Papers:**

None

**Annexes**

None

**Abbreviations**

CCS – Customer and Corporate Services

CEX – Chief Executive

CMT – Corporate Management Team

SMU – Staffing Matters & Urgency