

BABERGH DISTRICT COUNCIL and MID SUFFOLK DISTRICT COUNCIL

From: Head of Corporate Organisation	Report Number: N39
To: Babergh Council Mid Suffolk Council	Date of meeting: 23 July 2013 25 July 2013

DESIGNATION OF THE MONITORING OFFICER ROLE

1. Purpose of Report

- 1.1 To provide the opportunity for the Council to designate one of its officers as the Council's Monitoring Officer as required by section 5 of the Local Government and Housing Act 1989.

2. Recommendations

- 2.1 That following the internal recruitment process, the appointed candidate for the role of Corporate Manager – Legal and Monitoring Officer is designated as the Council's Monitoring Officer.

Alternative recommendation:

- 2.2 To designate Andrew Hunkin, Strategic Director – Corporate, as the Monitoring Officer on an interim basis with effect from 16 September 2013 whilst the recruitment process for the Corporate Manager post is completed.

3. Financial Implications

- 3.1 None directly arising from this report.

4. Risk Management

- 4.1 Key risks are set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
The Council must appoint a Monitoring Officer to undertake the statutory role as set out in Section 5 of the Local Government and Housing Act 1989 and associated and subsequent legislation.	Low	High	Designation of the Monitoring Officer

5. Consultations

None.

6. Equality Analysis

6.1 Not relevant to this report

7. Shared Service / Partnership Implications

7.1 It is proposed that the same person is appointed Monitoring Officer for both Councils.

8. Key Information

8.1 In accordance with Section 5 of the Local Government and Housing Act 1989, the Council must appoint an officer to be its designated Monitoring Officer to ensure the lawfulness of Council decision making.

8.2 The appointment of the Monitoring Officer must be made by the Full Council and the officer to be appointed to this position must not be the Chief Finance Officer (Section 151 Officer) or the Head of Paid Service.

8.3 The current Monitoring Officer, Kathryn Saward will be leaving the Council in September 2013. An internal recruitment process is due to be completed by 22 July 2013 for a new Corporate Manager – Legal and Monitoring Officer. Members of the Joint Appointments Panel (including the Council Leader) will be supporting this process.

8.4 It is proposed that the post holder for the Corporate Manager –Legal and Monitoring Officer be the Council's designated Monitoring Officer. Consequently the appointed officer for the vacant Corporate Manager – Legal and Monitoring Officer post will be recommended to this Council meeting as the officer for designation as the Council's Monitoring Officer.

8.5 In the event that no appointment is made through this internal recruitment process an alternative option is provided for Council to consider. This is to designate Andrew Hunkin, Strategic Director – Corporate as the Monitoring Officer whilst the recruitment of the Corporate Manager post is completed.

9. Appendices

None.

10. Background Papers

None.

Authorship:

Peter Quirk
Head of Corporate Organisation

Tel: 01449 724656 or 01473 825829
Email: peter.quirk@babbergh.gov.uk