

<b>MEETING:</b>	<b>Council</b>
<b>MEETING DATE:</b>	<b>25 September 2015</b>
<b>TITLE OF REPORT:</b>	<b>Designation of post as statutory officer (monitoring officer)</b>
<b>REPORT BY:</b>	<b>Chairman, employment panel</b>

## **Classification**

Open

## **Key Decision**

This is not an executive decision.

## **Wards Affected**

County-wide

## **Purpose**

To approve the designation of a specific post to discharge the functions of monitoring officer.

## **Recommendations**

**THAT: the post of *deputy solicitor to the council, people and regulatory*, be designated monitoring officer for an interim period of up to nine months from the date of approval whilst a permanent solution is considered and implemented.**

## **Alternative Options**

- 1 Another post is designated to fulfil these functions; this is not recommended having regard to the skills and experience necessary.
- 2 Secure the services of an interim monitoring officer; this is not recommended given the additional costs which would be incurred.

## **Reasons for Recommendations**

- 3 To meet statutory requirements.

## **Key Considerations**

- 4 The economy, communities and corporate directorate is in the process of reducing its senior management structure by two posts. The assistant director – governance post (currently designated as monitoring officer) is directly affected and was put at risk of redundancy along with three other senior managers to compete for two assistant director posts and in line with the policies covering organisational change. The restructure does not specifically address the designation of a post as monitoring officer as that remains a matter reserved to Council and any decision to designate a post as monitoring officer would need to take into consideration the skills and experience of post holders.
- 5 Following consultation with affected staff the assistant director governance requested voluntary redundancy. This request has been approved.
- 6 It is a legal requirement for the council to designate a post as monitoring officer and, pending completion of the restructure process, it is therefore necessary for an alternative post to be designated as monitoring officer for an interim period to fulfil this statutory function. A further report on the substantive designation of a post as monitoring officer will be brought to the employment panel to consider in due course.

## **Community Impact**

- 7 The function supports the maintenance and enhancement of robust governance across the council.

## **Equality and Human Rights**

- 8 The council's policies in relation to job evaluation, recruitment and selection pay full regard to the public sector equality duty.

## **Financial Implications**

- 9 All redundancy compensation through this process is in line with council policy, that is, the statutory redundancy calculation multiplied by 1.5. The interim arrangement proposed would attract a 5% salary enhancement for the additional monitoring officer responsibilities to the substantive post and is in line with the council's honorarium policy. These costs are contained within existing budgets.

## **Legal Implications**

- 10 Section 5 of the Local Government & Housing Act 1989 imposes a duty on the council to designate one of its officers as monitoring officer; this may not be the head of paid service or director of resources (section 151 officer).
- 11 As detailed at paragraph 4 of the Report, the economy, communities and corporate directorate is in the process of reducing its senior management structure. Given the current budgetary constraints, the Council has undertaken a review of senior management posts to identify more efficient distribution of responsibilities across fewer posts. In accordance with section 139(1) of the Employment Rights Act (ERA) 1996 and the council's managing change policy, four senior management posts are proposed as redundant and include the assistant director-governance post that is currently designated as Monitoring Officer. Following the consultation period, these posts are to be deleted and replaced with two new assistant director posts. As the

assistant director – governance post will cease to exist in the future structure, the Council must make the necessary arrangements to comply with its statutory duty as detailed at paragraph 10 and designate the Monitoring Officer responsibilities to an alternative substantive post.

## **Risk Management**

- 12 The designation of a post to fulfil this function mitigates the risk to the council of failing to comply with statutory requirements and helps to maintain effective and robust governance.

## **Consultees**

- 13 Relevant officers in posts as named.

## **Appendices**

- None

## **Background Papers**

- None identified.