

Title of report: Designation of Monitoring Officer

Meeting: Council

Meeting date: Friday 4 March 2022

Report by: Chair of Employment Panel

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose

To approve the recommendation by employment panel to designate the role of (interim) director of governance and law as monitoring officer.

Recommendation(s)

That:

- (a) Council approves employment panel's recommendation that the post of (Interim) director of governance and law is designated as monitoring officer from 21 March 2022.**

Alternative options

1. To designate an alternative post as monitoring officer. This is not recommended because the post of director of governance and law, whether filled on a permanent or

interim basis, will be the council's most senior solicitor and is best placed to hold the designation of monitoring officer.

Key considerations

2. The role of director of governance and law covers a range of responsibilities including being the most senior solicitor in the council and professional lead for legal services. Importantly, the post holder is also designated as monitoring officer.
3. The council's current post holder is leaving the council on 20 March 2022 and plans are in place to recruit to the post on a permanent basis.
4. Appointment to the post of director of governance and law is made by employment panel and designation of the role of monitoring officer is carried out by Full Council.
5. It will not be possible to recruit permanently to this post before the current post holder leaves and the chief executive intends to search for interim agency cover for the director of governance and law. It is intended that interim agency cover will be in place from mid-march, until the post is filled.
6. At its meeting on 15 February 2022, employment panel considered recommendations for the designation of monitoring officer and decided to recommend to Full Council that the post of director of governance and law is designated monitoring officer. This designation will be on an interim basis from 21 March 2022 and then permanent when an appointment is made.
7. Given the pressures on the service, the need for clear leadership and a desire for as much continuity as possible, the interim head of legal services will continue to act as deputy monitoring officer on an interim basis.

Community impact

8. In accordance with the adopted code of corporate governance, Herefordshire Council needs appropriate structures and leadership, as well as people with the right skills, qualifications and mind-set, to operate efficiently and effectively. The council is accountable for how it uses the resources under its stewardship, including accountability for outputs and outcomes achieved. In addition the council has an overarching responsibility to serve the public interest in adhering to the requirements of legislation and government policies.
9. The post holder for this role provides strategic leadership to council services and has a key leadership role in Herefordshire, regionally and nationally. Without effective leadership, outcomes for communities and individuals in Herefordshire could be adversely affected.

Environmental Impact

10. The council's directors have shared responsibility for the delivery of the county plan and corporate delivery plan and the inherent environmental objectives and outcomes within these plans.

Equality duty

11. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to –

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

12. The council's policies in relation to job evaluation and recruitment and selection pay full regard to the council's responsibilities as set out in the public sector equality duty.

Resource implications

13. There are no resource implications arising from this decision.

Legal implications

14. In accordance with 4.9.12 of the constitution the head of paid service (chief executive) can make such interim arrangements for contracts of services to ensure the statutory functions of the council are fulfilled.
15. The council is required to designate a suitably qualified officer to act as monitoring officer as prescribed in the S5 Local Government and Housing Act 1989. This designation will be on an interim basis from 21 March 2022 and then permanent when an appointment is made. The designation of monitoring officer is a function reserved to the Council.

Risk management

Risk / opportunity	Mitigation
The council will not have a post holder designated as monitoring officer when the current post holder leaves on 20 March 2022	This risk has been mitigated by making arrangements for an interim director of governance and law to be appointed whilst recruitment for the permanent post holder takes place. The council also has an experienced deputy monitoring officer in post.

Consultees

16. The chief executive has informally consulted group leaders on the proposals and employment panel considered the recommendation at a meeting on 15 February 2022.

Appendices

None

Background papers

None identified