



PAPER E

Purpose: For Decision

Committee report

Committee	FULL COUNCIL
Date	26 FEBRUARY 2020
Title	APPOINTMENT OF MONITORING OFFICER
Report of	DEPUTY LEADER AND CABINET MEMBER FOR RESOURCES

EXECUTIVE SUMMARY

1. Full Council is asked to accept the recommendation for an extension to the current appointment of the monitoring officer for a period up to four months from 1 April 2020. This will allow for the review of the council's constitution and wider corporate governance matters to be concluded and implemented whilst the recruitment for a permanent replacement is undertaken.

BACKGROUND

2. Full Council at its meeting of 18 September 2019, accepted the recommendation of the Appointment Committee to appoint Geoffrey Wild as monitoring officer for a period of six months with effect from 1 October 2019. The current arrangement will therefore conclude on 31 March 2020.
3. An interim appointment of monitoring officer was necessary following the departure of the assistant director of corporate services (who was also designated as the council's appointed monitoring officer) and pending consideration of the council's budget position and consequent arrangements for its future senior management structure requirements as well as to allow for adequate time to secure a permanent appointment.
4. Having greater clarity of the council's likely budget position has been an important component in considering the most effective way of making a permanent appointment to the role of monitoring officer. In the autumn there were some significant unknowns about the council's budget position which needed to become clearer in proposing a way forward with for this role. The budget proposals papers considered elsewhere on this meeting's agenda allow for the replacement of the role of assistant director of corporate services who will also act as monitoring officer. Therefore, it is now

possible to proceed on this basis and plans are being made to do so.

5. The skills and experience of the interim monitoring officer have also allowed the opportunity to complete a comprehensive review of the council's constitutional framework and corporate governance arrangements, as well as to assist in the resolution of a number of complex town and parish council matters. This work is due to conclude in the coming months with a report scheduled for consideration at the Annual Council in May 2020.
6. The current monitoring officer arrangements will conclude on 31 March 2020. A recruitment campaign is now planned to secure a permanent replacement for the role of assistant director of corporate services (including the designation as the council's appointed monitoring officer). It is expected that an appointment will take four to five months to secure leaving a potential 'gap' in the monitoring officer role, which is not permissible, of up to four months from the end of the current arrangements.
7. Full Council could agree to a four-month extension (to 31 July 2020) for the provision of the monitoring officer role. This would also allow for the consideration, introduction and embedding of any new constitutional arrangements and for a recruitment campaign to the permanent position to be concluded.
8. The alternative to continuing the monitoring officer current arrangements would be to recruit another interim individual or to appoint from within the current staff establishment. In either case Full Council would need to meet to confirm the arrangements. The next scheduled meeting of Full Council is the annual meeting on Wednesday 20 May.

STRATEGIC CONTEXT

9. The appointment of the council's monitoring officer is a statutory requirement and requires Full Council to make such an appointment. Good governance arrangements are also essential to the delivery of the council's services and the decision-making processes that supports this.

CONSULTATION

10. In accordance with the council's constitution, the Appointment Committee considered the applications for the interim appointment of the monitoring officer function and made recommendation to Full Council to appoint Geoffrey Wild with effect from 1 October 2019 for a six-month period. Consultation for the extension of the current contractual arrangements has been discussed and agreed with the Leader and Deputy Leader and cabinet member for resources. There is no requirement for consultation with the Appointment Committee on the proposed extension although they have been informed as a matter of courtesy.

FINANCIAL / BUDGET IMPLICATIONS

11. The costs associated the engagement of an interim monitoring officer will continue to be met from within the existing budgets.

LEGAL IMPLICATIONS

12. Section 5 of Local Government and Housing Act 1989, as amended sets out the requirement for arrangements to designate an officer as the monitoring officer who has a personal duty to report on any proposal, decision or omission by the council which has led to or is likely to lead to a breach of the law or maladministration. In addition, the monitoring officer is responsible for operating and reviewing the council's constitution and ensuring there is a system in place for and dealing with complaints in relation to potential breaches by councillors of their code of conduct.
13. The appointment of the monitoring officer is a non-executive function that rests with Full Council.
14. The engagement of an interim monitoring officer has been undertaken in accordance with the council's contract standing orders. A further four-month extension would not be in breach of either contract standing orders or European Union public procurement directives with which the local authority is required to comply.

EQUALITY AND DIVERSITY

15. The council, as a public body, is required to meet its statutory obligations under the Equality Act 2010 to have due regard to eliminate unlawful discrimination, promote equal opportunities between people from different groups and to foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
16. Under the Equality Act 2010 the council is required to have due regard to our equality duties when making decisions, reviewing services, undertaking projects, developing and reviewing policies. The proposals contained within this report are not considered to have any adverse impact on any of the protected characteristics.

OPTIONS

17. The options available to Council are:
 - (a) To approve an extension to the appointment of Geoffrey Wild as the monitoring officer for up to four months starting 1 April 2020.
 - (b) To approve an extension to the appointment of Geoffrey Wild as the monitoring officer for a specified period starting 1 April 2020.
 - (c) To require the chief executive, working with the Appointment Committee to make an alternative recommendation for the role of monitoring officer for the approval of council before the end of March 2020.

RISK MANAGEMENT

18. The council must, by law, have a designated monitoring officer in place. Since the appointment of Geoffrey Wild as the council's interim monitoring officer, a significant programme of work has commenced to secure improvements in the council's constitutional framework and corporate governance arrangements. The extension of the existing contractual arrangement will not only afford continuity to bring this work to conclusion in readiness for consideration by Annual Council, it will also ensure that there is appropriate cover for this statutory role until the completion of a recruitment campaign to secure a permanent replacement for the assistant director of corporate services.
19. Should Council require an alternative individual as monitoring officer then it will be necessary to work with recruitment agencies to identify candidates for consideration by the Appointment Committee. However, the success of this approach will depend on the availability of suitable candidates or identification of internal arrangements being put in place to create the required capacity to fulfil the monitoring officer workload. Given the proposed timescale for extension, this is not considered to be prudent to enable the successful conclusion of this work, nor would it afford any guarantee that it would be possible to achieve.

EVALUATION

20. The council is required by legislation to have a designated officer that is appointed as the monitoring officer. Full Council at its meeting of 18 September 2019 accepted the recommendation of the Appointments Committee to appoint Geoffrey Wild as the council's monitoring officer for a period of six months with effect from 1 October 2019.
21. The commissioned work programme for the appointed monitoring officer has necessitated a comprehensive review of the council's constitution and corporate governance framework together with the management of a number of town and parish council matters that has taken longer than anticipated to complete. An extension for a period of up to four months will allow for this work to be appropriately concluded and a permanent appointment to be made to the role of assistant director of corporate services (with responsibility as monitoring officer).

RECOMMENDATION

22. It is recommended that option (a) be adopted and the Full Council agree
 - (a) To approve an extension to the appointment of Geoffrey Wild as the monitoring officer for up to four months starting 1 April 2020.

BACKGROUND PAPERS

Full Council 18 September 2019 – Paper F: Appointment of Monitoring Officer

<https://www.iow.gov.uk/Meetings/committees/mod-council/18-9-19/PaperF-AppointmentOfMonitoringOfficer.pdf>

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