



## PAPER E

Purpose: For Decision

# Committee report

Committee	<b>FULL COUNCIL</b>
Date	<b>15 JULY 2020</b>
Title	<b>APPOINTMENT OF MONITORING OFFICER</b>
Report of:	<b>CHAIR OF THE APPOINTMENT COMMITTEE</b>

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### EXECUTIVE SUMMARY

1. This paper provides members with an overview of the considerations and arrangements in place for the appointment of a permanent monitoring officer in accordance with the council's constitution and legislative requirements.
2. The Appointment Committee will have met on 10 July 2020 to complete the selection process and will make a recommendation to Full Council (which will be made available prior to the meeting if possible).
3. Members are also recommended to grant extension to the current interim monitoring officer contract for a further period of up four months to ensure continued provision for this statutory role, until the start date of a successful permanent candidate appointment or any other alternative arrangements that may be required.

### BACKGROUND

4. Following the departure of the council's assistant director of corporate services and designated monitoring officer on 30 September 2019, Full Council at its meeting of 18 September 2019 accepted the recommendation of the Appointment Committee to appoint Geoffrey Wild as the interim monitoring officer for a period six months with effect from 1 October 2019. This fixed term appointment was determined necessary to provide enough time in which to review the council's future senior management requirements, budget situation and undertake any subsequent recruitment campaign.
5. Having greater clarity of the council's budget position was an important consideration in determining the most effective way of securing a permanent appointment to the role of monitoring officer given the significant financial uncertainties that were present at that time. The budget proposals presented and approved by Full Council at its meeting of 26 February 2020, subsequently made provision for the continuation of the role of assistant director of corporate services and monitoring officer. This made it possible to proceed with a recruitment campaign. Full Council also agreed at that same meeting to a four-month extension to 31 July 2020 for the continued provision

of the interim monitoring officer role.

6. During the intervening period, the advent of the coronavirus pandemic situation meant that the recruitment and selection process, by necessity was put on hold in order to provide the extensive response to central government control measures and to ensure that the Island's communities were appropriately protected during the outbreak. The process has now been reinstated and the Appointment Committee will meet on 10 July 2020 to interview shortlisted candidates and to make a recommendation to Full Council.
7. The outcome of the Appointment Committee's deliberations will be made available prior to the Full Council meeting on 15 July 2020. However, irrespective of the outcome of those deliberations, it will be necessary to secure a further extension to the current interim monitoring officer arrangements to allow for cover during the notice period of any successful candidate or in the case of no appointment, determination of an alternative course of action. It is recommended that such extension be granted for a further period of up to four months.

### STRATEGIC CONTEXT

8. The appointment of the council's monitoring officer is a statutory requirement and requires Full Council to make such an appointment. High standards of probity and good governance arrangements are central to the delivery of all the council's services and the decision-making processes and as such is a key factor in the delivery of the council's strategic priorities.

### CONSULTATION

9. Determination of the senior management structure rests with the chief executive in consultation with the Leader of the Council and Cabinet. However, in accordance with the council's constitution, the appointment of the monitoring officer is reserved as a Full Council decision. To assist in determining that decision, the Appointment Committee is delegated to undertake the selection processes in order to make a recommendation for an appointment to be made.

### FINANCIAL / BUDGET IMPLICATIONS

10. The costs associated with the engagement of an interim monitoring officer continue to be contained within the existing budget limit for the post of assistant director of corporate services within the resources portfolio base budget.

### LEGAL IMPLICATIONS

11. 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.

12. Under the council's current constitution, the appointment of the monitoring officer is a non-executive function that rests with Full Council.
13. Article 8 of the council's constitution requires the Appointment Committee to recommend the appointment of named officers (these are the statutory roles of head of paid service, section 151 officer and monitoring officer).

#### EQUALITY AND DIVERSITY

14. 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.
15. The recruitment and selection process for this appointment has been conducted in accordance with the council's recruitment policy and procedures which are designed to ensure that appointments are made in accordance with statutory duties, good practice and demonstrate that a fair process has been undertaken.

#### OPTIONS

16. Option 1: Approve the recommendation from the Appointment Committee for the appointment of a permanent monitoring officer (which will be circulated prior to the meeting if possible).
17. Option 2: Refer the appointment of a permanent monitoring officer back to the Appointment Committee for further consideration of alternative options.
18. Option 3: Approve a further four-month extension to the current interim monitoring officer appointment to ensure that there is continued provision for the statutory officer role during any period of notice of a successful candidate or consideration of any alternative arrangements that may be deemed necessary.
19. Option 4: Refer back to the Appointment Committee to source alternative arrangements for an interim monitoring officer appointment.

#### RISK MANAGEMENT

20. The council is always required to have an appointed monitoring officer in place. Only Full Council can make this appointment. A recruitment campaign has been undertaken and the Appointment Committee will have completed the interview process prior to the Full Council meeting on 15 July 2020. The comprehensive selection process comprised technical interviews; presentations to a stakeholder panel and a formal panel interview. The Appointment Committee will be able to make a recommendation to appoint or not to Full Council and therefore option 1 would be the recommended course of action.
21. However, Full Council may choose not to accept the Appointment Committee's recommendation. In doing so, it will be necessary to consider the implications on the

council's ability to secure a permanent appointment within a reasonable timescale and the likelihood of a further recruitment campaign identifying a successful candidate. It can take up to six months to conduct a full recruitment exercise, taking account of notice periods and popular times of the year when annual leave is normally taken by prospective candidates.

22. To that end, option 3 is strongly recommended to Full Council to both ensure that there is continued monitoring officer provision in place and that there is adequate time for any notice period of a successful candidate to expire or any other alternative arrangements put in place should no recommendation for appointment be possible. The current contract for Geoffrey Wild expires on 30 July 2020. Should an alternative arrangement be required, there is a significant risk that no-one can be identified to undertake the interim appointment within the timescale. This could be mitigated by asking an existing member of staff to step up into this role, although this would be dependent on an agreement being reached and adequate backfill arrangements being put in place to create the required capacity to fulfil the monitoring officer workload.

## EVALUATION

23. The council is required to have an appointed monitoring officer in place and only Full Council can make this appointment. Any such appointment, in accordance with the terms of reference for the Appointment Committee is to be made by recommendation from this committee to Full Council.
24. Unfortunately, due to the emergency situation presented by the coronavirus pandemic, the recruitment and selection process by necessity was put on hold. Subsequently, those processes have now been reinstated and the Appointment Committee will meet on 10 July 2020 to determine a recommendation to Full Council. The outcome of the Appointment Committee's deliberations will be made available prior to the Full Council meeting on 15 July 2020.
25. To accommodate any notice period of a successful candidate or indeed should alternative arrangements be determined necessary, a further extension to the current appointment of Geoffrey Wild as the monitoring officer for a four-month period is recommended to ensure that there is continued provision of this statutory role.

## RECOMMENDATION

26. Option 1: Approve the recommendation from the Appointment Committee for the appointment of a permanent monitoring officer (which will be circulated prior to the meeting if possible).
27. Option 3: Approve a further four-month extension to the current interim monitoring officer appointment to ensure that there is continued provision for the statutory officer role during any period of notice of a successful candidate or consideration of any alternative arrangements that may be deemed necessary.

## BACKGROUND PAPERS

28. 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>
29. Full Council 26 February 2020: Paper E – Appointment of Monitoring Officer  
<https://www.iow.gov.uk/Meetings/committees/mod-council/26-2-20/PAPER.E.pdf>

Contact Point: Claire Shand, Director of Corporate Services, ☎ 821000 e-mail  
[claire.shand@iow.gov.uk](mailto:claire.shand@iow.gov.uk)

CLAIRE SHAND  
*Director of Corporate Services*

(CLLR) DAVE STEWART  
*Leader of the Council and Cabinet Member for  
Strategic Partnerships*