

# Harborough District Council



## Report to Council 6<sup>th</sup> November 2023

<b>Title:</b>	Appointment to the statutory Monitoring Officer role
<b>Status:</b>	Public
<b>Key Decision:</b>	No
<b>Report Author:</b>	Head of Human Resources, Rebecca Jenner
<b>Portfolio Holder:</b>	Councillor Knowles – Leader of the Council
<b>Appendices:</b>	None

### Executive Summary

- i. The appointment of statutory chief officers rests with the full Council. The Council must at all times ensure it has adequate arrangements to discharge the functions of the statutory chief officer roles, including that of Monitoring Officer.
- ii. The role of Monitoring Officer has been discharged by temporary employees since the departure of the former Director of Law and Governance on 31 December 2021 pending the anticipated re-structuring of the Corporate Management Team. This is an expensive method of discharging the statutory function therefore it is proposed that the Council appoint the Head of Legal Services as the Monitoring Officer.
- iii. Council is invited to consider the options set out within this report to meet its statutory staffing obligations on an interim basis. A more substantive review regarding the permanent appointment of a Monitoring Officer will be undertaken by the council's new Chief Executive (& Head of Paid Service) in due course.

### Recommendations

Council is recommended to:

1. **Agree that Julie Young, Head of Legal Services, be appointed as the Monitoring Officer on an interim basis with effect from 7 November 2023.**
2. **Note that the current interim Monitoring Officer, Clare Pattinson, will vacate the post of Director of Law and Governance with effect from 7 November 2023 but be retained by the Council to complete project work.**

## Reasons for Recommendations

- iv. The Council is required to appoint a named individual to the statutory chief officer role of Monitoring Officer, in accordance with section 5 of the Local Government and Housing Act 1989.

### 1. Purpose of Report

- 1.1 This report invites Council to confirm the appointment, on an interim basis, of a new Monitoring Officer with immediate effect.

### 2. Background

- 2.1 On 31 December 2021 the substantive Director of Law and Governance resigned, leaving the statutory role of Monitoring Officer vacant. Arrangements were made for the post to initially be filled by an interim appointment, Babs Morris, until 31 March 2022. This appointment was extended to 1 July 2022.
- 2.2 In June 2022, Council appointed the current interim Monitoring Officer, Clare Pattinson, pending a review of the Corporate Management Team. At that stage, it was anticipated that the Council may enter a strategic partnership with Melton Borough Council which would facilitate the sharing of senior management roles. The interim Monitoring Officer appointed Julie Young, Senior Solicitor to the Council, as Deputy Monitoring Officer in July 2022.
- 2.3 In November 2022, the role of Head of Legal and Democratic Services became vacant. In December 2022 the Council decided not to pursue the strategic partnership and instead extended the interim arrangements for the posts of Chief Executive and Deputy Chief Executive until February 2023.
- 2.4 In January 2023 Julie Young was promoted to the position of Interim Head of Legal Services.
- 2.5 In February 2023, Council approved a further extension for the interim Chief Executive and interim Deputy Chief Executive until 31 December 2023 or the earlier appointment of a new Chief Executive, whichever occurs first. Councillors are aware that a permanent Chief Executive has been recruited and commences in post on 11 December 2023.

### 3. Details

- 3.1 The Chief Executive, as the Head of Paid Service, is responsible for ensuring that the resources needed to deliver council services are available, supported by appropriate structures and recruitment. This includes determining the most appropriate staffing structure for the Council and keep councillors informed of the arrangements.
- 3.2 On 11 October 2023, following an internal recruitment process, the interim Head of Legal Services, Julie Young, was appointed to the role on a permanent basis. This recruitment

has presented the opportunity to review the current interim Monitoring Officer arrangements.

- 3.3 It is proposed that the Council designate the Head of Legal Services, Julie Young, as the Monitoring Officer on an interim basis pending a review of the senior and corporate leadership teams by the new Chief Executive. The post of Director of Law and Governance will be vacated.
- 3.4 Julie Young is a permanent employee and has been acting up to the Head of Legal (& Deputy Monitoring Officer) since January 2023. She has been employed in the Legal Team since 2015. She therefore is familiar with the Council and how it operates. Appointing a permanent employee to the statutory chief officer role of Monitoring Officer will remove the need for the Council to rely on temporary workers in this key role and provide further stability in the senior management team. The new Chief Executive will be able to review the management arrangements and determine the permanent future management structure in due course. It is proposed that this appointment commence with immediate effect (i.e. from 7 November 2023).
- 3.5 Given the extent of the work undertaken by the interim Director of Law and Governance on the refresh of the constitution, Clare Pattinson will be retained to conclude the refresh of the constitution as a consultant. The appointment of the Head of Legal Services to the role of Monitoring Officer will also require consequential changes to the constitution as the constitution currently reflects the function being discharged by the Director of Law and Governance.

## **4. Implications of Decisions**

### **Corporate Priorities**

- 4.1 As the Chief Executive has overall responsibility for the delivery of all staffing and services, this report has implications for whole content of the Corporate Plan and priorities.

### **Financial**

- 4.2 The additional cost for the continuing interim arrangement using an agency worker has been provided for in the budget but the longer the arrangements continue the greater draw it has on the budget which could be used for resources elsewhere.

### **Legal**

- 4.3 The Council is required to appoint a Monitoring Officer by section 5 of the Local Government & Housing Act 1989. The decision must be taken by Full Council. The Council's other statutory Chief Officers, the Head of Paid Service and the Chief Finance Officer, are prohibited from acting as the Monitoring Officer.
- 4.5 The Monitoring Officer has a number of personal statutory duties and responsibilities in respect of ensuring that no decision or omission of the Council is likely to give rise to illegality or maladministration. These duties attract statutory employment law protections for the post holder. The role also requires the Monitoring Officer to promote high standards of Councillor conduct (including of Local Councillors in the district) and be responsible for the monitoring and updating of the constitution.
- 4.6 The constitution will also need to be amended to reflect that the Monitoring Officer role is to be performed by a Head of Service rather than a Director. This will be picked up as part of the constitution refresh which is underway.

## **Policy**

4.4 There are no policy implications within this report.

## **Environmental Implications**

4.5 None directly arising from this report.

## **Risk Management**

4.6 Periods of change and transformation can be unsettling for the organisation and affect delivery of services.

4.7 Interim management arrangements can, in some circumstances, pose a greater risk for the Council than permanent appointments. It is necessary for the Council to have a blend of experience in the corporate management team and ensure that its staff are afforded opportunities to advance their careers.

## **Equalities Impact**

4.8 The Council's recruitment and selection policies and procedures comply with the Council's public sector equality duty and no adverse equality impacts are identified in this report.

## **Data Protection**

4.9 There are no data protection implications arising from this report. The appointment to a statutory role is a function which is required to be undertaken by every local authority as a matter of public record.

## **Summary of Consultation and Outcome**

4.10 Discussions with the Head of Legal has been undertaken.

4.11 Discussions with the Leader of the Council and the Leader of the Opposition have been undertaken by the current Interim Chief Executive.

4.12 Discussions with the Council's recognised trade union, Unison, have been undertaken by the HR Manager.

## **5. Alternative Options Considered**

5.1 Alternative options available to the council include continuing the current arrangement with the existing interim Monitoring Officer. However, this option has not be explored further due to the expense of continuing with arrangements via an agency.

5.2 The Council could seek a cheaper Interim Monitoring Officer from an agency or direct external recruitment however this will still be more expensive than appointing an existing employee to the role and will increase the risk the Council by introducing a further external interim who will have no knowledge of the Council and will take time to come up to speed.

5.3 The option of utilising a shared Monitoring Officer for an interim period whilst the new Chief Executive decides how he wants to fill the permanent Monitoring Officer role has been discounted as a consequence of the strong views expressed by Council when rejecting shared senior officers at its meeting in December 2022. Further, the incoming Chief Executive has expressed a preference for a dedicated Monitoring Officer for the Council, which is a view shared by the Leader of the Council.

- 5.4 Given that there is a statutory requirement to appoint a Monitoring Officer, not appointing to the post is not an option.

## 6. Background papers

[Strategic Partnership between HDC & Melton Borough Council.pdf](#)<sup>1</sup>

[June 22 Council minutes](#)<sup>2</sup>

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<https://harboroughcouncil.sharepoint.com/sites/DemocraticHub/Shared%20Documents/Forms/AllItems.aspx?id=%2Fsites%2FDemocraticHub%2FShared%20Documents%2FDecisions%20and%20Reports%2FMeeting%20papers%20%2D%20Reports%2C%20Minutes%2C%20Notices%20etc%2FNon%2DExecutive%20functions%2FCouncil%2F2022%2F7%29%2019%20December%202022%2F13%2E%20Strategic%20Partnership%2F13%2E%20Strategic%20Partnership%20between%20HDC%20%26%20Melton%20Borough%20Council%2Epdf&parent=%2Fsites%2FDemocraticHub%2FShared%20Documents%2FDecisions%20and%20Reports%2FMeeting%20papers%20%2D%20Reports%2C%20Minutes%2C%20Notices%20etc%2FNon%2DExecutive%20functions%2FCouncil%2F2022%2F7%29%2019%20December%202022%2F13%2E%20Strategic%20Partnership>

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<https://cmis.harborough.gov.uk/cm5/Document.ashx?czJKcaeAi5tUFL1DTL2UE4zNRBcoShgo=BPKMSLz%2fCd13Xc%2bHzpMrW%2fuvyZfGEby2UQyiYGe2wHRwTiW2rBBdcw%3d%3d&rUzwRPf%2bZ3zd4E7lkn8Lyw%3d%3d=pwRE6AGJFLDNIh225F5QMaQWCtPHwdhUfCZ%2fLUQzgA2uL5jNRG4jdQ%3d%3d&mCTIbCubSfXsDGW9lXnlG%3d%3d=hFflUdN3100%3d&kCx1AnS9%2fpWZQ40DXFvdEw%3d%3d=hFflUdN3100%3d&uJovDxwdjMPoYv%2bAJvYtyA%3d%3d=ctNJf55vVA%3d&FgPIIEJYlotS%2bYGoBi5oIA%3d%3d=NHdURQburHA%3d&d9Qjj0ag1Pd993jsyOJqFvmyB7X0CSQK=ctNJf55vVA%3d&WGewmoAfeNR9xqBux0r1Q8Za60lavYmz=ctNJf55vVA%3d&WGewmoAfeNQ16B2MHuCpMRKZMwaG1PaO=ctNJf55vVA%3d>