

Harborough District Council

Report to Annual Council Meeting of 20th May 2024



Title:	Appointment of the Monitoring Officer
Status:	Public report with Appendix A Exempt under Paragraph 2 of Schedule 12 (A) of the Local Government Act
Report Author:	Rebecca Jenner, Head of HR
Lead Councillor:	Cllr Beadle, Portfolio Holder for Corporate
Appendices:	A – Recommendation of the Member Appointment Panel (to be circulated once received)

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 statutory role of Monitoring Officer has since March 2022 been covered on an interim basis.
- iii. Following the appointment of the Chief Executive (& Head of Paid Service) in December 2023, he has since undertaken a review of the Senior Leadership Team and the Corporate Management Team and has restructured some of the roles and created a permanent role for the Monitoring officer that will now sit with the new post as Head of Democratic Services & Elections. Previously this role sat with the post of Director of Law & Governance, which has now been removed from the structure.
- iv. Council is invited to approve the recommendation of the appointment to the permanent post of Head of Democratic Services, Elections and Monitoring Officer from the Members Appointment Panel which will take place on the 16th May.
- v. In addition, Council is invited to approve the recommendation of the appointment of Sarah Hamilton to the post of Monitoring Officer on an interim basis effective immediately until the permanent Monitoring Officer is in post.

Recommendations

- I. Council approves the appointment of the Monitoring Officer as outlined in the report, and as updated following on from the Members Appointment Panel recommendation.
- II. Council approves Sarah Hamilton, Interim Senior Democratic Officer & Team Leader, be appointed as the Monitoring Officer on an interim basis with effect from 21st May

2024 until the new Monitoring Officer and Head of Democratic Services and Elections commences permanent employment with the Council.

- III. Council to note that the current interim Monitoring Officer, Julie Young, will vacate the post of Interim Monitoring Officer from 20th May 2024 on the approval of Sarah Hamilton being appointed by Council.

Reasons for Recommendations

- i. 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 informs Council of the progress made towards the appointment of the statutory role of Monitoring Officer, which is now incorporated into the role of Head of Democratic Services & Elections, following on from the recruitment process.
- 1.2. In addition, this report invites Council to confirm the appointment, on an interim basis, of a new Monitoring Officer with immediate effect.

2. Background

- 2.1. Following the Interim Director of Law & Governance and Monitoring Officer finishing on the 31st December 2023, the post of Monitoring Officer has been filled on an interim basis by Julie Young, Head of Legal. This was on the understanding that the post of Monitoring Officer would be recruited to on a permanent basis.
- 2.2. John Richardson, Chief Executive in his capacity as Head of Paid Service and in discussion with the Leader and Shadow Leader reviewed the management structure in February 2024. The driver behind this was to realign services, but also to generate financial efficiencies that were inherited from previous budget proposals.
- 2.3. The creation of this new post, Head of Democratic Services, Elections and Monitoring Officer was through the deletion of the Director for Law and Governance (and Monitoring Officer) which has been occupied on an interim basis since December 2021 and the Head of Corporate Services after the post holder retired in November 2023.

3. Details

- 3.1. The recruitment campaign ran in the Municipal Journal (MJ) from the 3rd April 2024 to 22nd April 2024 for the post of Head of Democratic Services, Elections and Monitoring Officer. There were five candidates, two of whom have been invited to an assessment centre on the 16th May.

- 3.2. The assessment centre will involve a technical interview designed to explore and test the candidates experience, expertise, and suitability for the role, which will be followed by a discussion with their prospective direct reports. This exercise will give the candidates an opportunity to meet with some officers and for them to find out more about the Harborough District, what it's like to work and live here, key projects and challenges. The afternoon of the 16th May, will comprise of an interview and an individual presentation from the two candidates. The two shortlisted candidates will be interviewed by the Member Appointment Panel.
- 3.3. The Member Appointment Panel will convene a Member Appointment Panel committee meeting to discuss the outcome of the interviews and if appropriate a vote will be taken on the most suitable candidate to recommend to Council to appoint as the Monitoring Officer.
- 3.4. The selection process will be carried out in accordance with the Council's Constitution and Recruitment and Selection Policy.
- 3.5. Given the timing of this Council meeting and the conclusion of the recruitment process, it has not been possible to provide a written update on the outcome of the selection process for the dispatch of this agenda. However, further information as to the preferred candidate identified by the Members Appointment Panel will be circulated to members in advance of the meeting as Appendix A to the report. Council is invited to approve the appointment of this candidate as the Monitoring Officer from the date (to be confirmed) that they commence employment with the council.
- 3.6. The preferred candidate will have a period of notice to serve before they can commence employment with the council. In the period before their start the role of Monitoring Officer will be undertaken on an interim basis by Sarah Hamilton, Senior Democratic Officer and Team Leader. Council is asked to approve the appointment of Sarah Hamilton as the Monitoring Officer with immediate effect, up to and including the date the new Monitoring Officer's employment starts with the council.
- 3.7. Council should note that the current designated interim Monitoring Officer, Julie Young, Head of Legal, will cease being the Monitoring Officer with immediate effect upon the approval of Sarah Hamilton's appointment to the interim statutory role. It is the responsibility of the Monitoring Officer to appoint Deputy Monitoring Officers.
- 3.8. Should the Member Appointment Panel agree that neither candidate is appointable, the post will be readvertised without delay.

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.

Consultation

- 4.2. Discussions with the Leader of the Council and the Leader of the Opposition have been undertaken by the current Chief Executive prior to making any changes to the new senior management structure.
- 4.3. Discussion were held with those whose roles were changing as a result of the realignment of services.
- 4.4. Discussions with the Council's recognised trade union, Unison, have been undertaken by the Head of HR regarding the changes to the management structure.

Financial

- 4.5. This role is budgeted for so will not have any negative consequences on the approved budget for 24/25. This new role will support savings detailed in the budget.

Legal

- 4.6. 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.
- 4.7. 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.

Environment Implications

- 4.8. This update report does not impact upon the Council's commitment to achieving net zero carbon.

Risk Management

- 4.9. The contents of this report with regard to the permanent Monitoring Officer appointment does not pose any risk implications for the Council as it is an update.
- 4.10. The interim arrangements can, in some circumstances, pose a risk for the Council as they can be unsettling and have a lack of continuity, however this proposed interim arrangement will be for a short duration and by an experienced officer whilst awaiting the commencement of the new permanent Monitoring Officer.

Equalities Impact

- 4.11. 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

4.12. 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. However, Appendix A to follow does have Data Protection considerations.

5. Alternative Options Considered

5.1. Contracting a consultant Monitoring Officer. However, this option has not be explored further due to the expense, and time to fill the post would leave the Council without a Monitoring officer which is not an option due to the statutory requirement to have a Monitoring Officer in post.

5.2. The option of utilising a shared Monitoring Officer for an interim period 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 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.

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

6. Recommendations

6.1. Council approves the appointment of the Monitoring Officer as outlined in the report, and as updated following on from the Members Appointment Panel recommendation.

6.2. Council approves Sarah Hamilton, Interim Senior Democratic Officer & Team Leader, be appointed as the Monitoring Officer on an interim basis with effect from 21st May 2024 until the new Monitoring Officer and Head of Democratic Services and Elections commences permanent employment with the Council.

6.3. Council to note that the current interim Monitoring Officer, Julie Young, will vacate the post of Interim Monitoring Officer from 20th May 2024 on the approval of Sarah Hamilton being appointed by Council.

7. Background papers

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