



ADUR & WORTHING COUNCILS

Worthing Borough Council
15 December 2020
Adur District Council
17 December 2020

Designation of Monitoring Officer

Report by Head of Paid Service

Executive Summary

1. Purpose

The purpose of this report is to formally designate the Council's Monitoring Officer.

2. Recommendations

The Council is recommended to designate Maria Memoli as the Council's Monitoring Officer with effect from 11th January 2021.

3. Context

3.1 The current Solicitor to the Council and Monitoring Officer, Susan Sale, will leave the employment of Adur District Council on 10th January 2021 to take up the position of Head of Law and Governance at Oxford City Council. The secondment arrangement between Adur District Council and Worthing Borough Council in respect of the statutory Monitoring Officer appointment will terminate on the same date.

3.2 It is therefore necessary for both Worthing Borough Council and Adur District Council to make a statutory appointment of a Monitoring Officer, effective from 11th January 2021.

4. Issues for consideration

4.1 The Council has a duty under section 5(1) of the Local Government and Housing Act 1989 to designate one of its Officers as the Monitoring Officer to be responsible for specific statutory functions. The Monitoring Officer may not be the Head of Paid Service or the section 151 Officer.

4.2 The Council's Constitution provides that the Solicitor to the Council, who is also Head of Legal Services, is the Monitoring Officer. However, the designation of the Solicitor to the Council to the statutory role of Monitoring Officer is not automatic in law and the designation must be confirmed by the Council.

4.3 The duties and responsibilities of the Monitoring Officer are summarised in the Council's Constitution, including the Monitoring Officer Protocol, and also in section 5 Local Government and Housing Act 1989.

4.4 The Joint Senior Staff Committee is responsible for undertaking the recruitment and selection process for the Solicitor to the Council and for recommending to Council whom to designate as Monitoring Officer. It is anticipated that such a recruitment and selection process will be undertaken in the New Year, by the Joint Senior Staff Committee, who are likely to make an appointment to the post of Solicitor to the Council, after consulting with the Executive, and a recommendation to full Council on a further designation of Monitoring Officer in due course.

4.5 However, in the interim period, it is proposed that an experienced interim Head of Law will be appointed to head the Legal Services team. A selection process has been undertaken by the Director for Digital, Sustainability & Resources, on behalf of the Head of Paid Service, and with the support of the Monitoring Officer. A contractual agreement has been entered into for the temporary services of Maria Memoil to lead the Legal Services section whilst recruitment for the Solicitor to the Council & Monitoring Officer post is undertaken.

4.6 This report therefore recommends that each Council designate Maria Memoli as the Council's Monitoring Officer from 11th January 2021 until such time as

a recommendation for an alternative designation is forthcoming from the Joint Senior Staff Committee in due course.

5. Engagement and Communication

- 5.1 The Head of Paid Service has been consulted throughout the recruitment process.
- 5.2 The Director for Digital, Sustainability & Resources has begun engagement with the legal services team, and other officers to gather insights and feedback in the development of a draft work plan for the interim Head of Legal Services and Monitoring Officer.
- 5.3 It is expected that recruitment consultants will be engaged to support candidate search and recruitment for this critical role, a process that will be undertaken by the Joint Senior Staff Committee in the New Year.

6. Financial Implications

- 6.1 A contract has been entered into with a Recruitment Agency for the services of Maria Memoli for 4 days per week. The contract is expected to last between 3 and 4 months with an additional budget requirement of £18,000.
- 6.2 The additional cost will be funded from the Councils' inflation contingency budgets.

Finance Officer: Sarah Gobey

Date: 7th December 2020

7. Legal Implications

- 7.1 The legal requirements for the Council to have an officer correctly appointed to and holding the role of Monitoring Officer is set out in the body of the report. The role does not need to be held by an employee of the Council in law.

Legal Officer: Susan Sale

Date: 4th December 2020

Background Papers

None

Officer Contact Details:-

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Sustainability & Risk Assessment

1. Economic

Matter considered and no issues identified

2. Social

2.1 Social Value

Matter considered and no issues identified

2.2 Equality Issues

The Monitoring Officer has a critical role in ensuring compliance of the authority, and its members and officers, with equalities legislation

2.3 Community Safety Issues (Section 17)

Matter considered and no issues identified

2.4 Human Rights Issues

The Monitoring Officer has a critical role in ensuring compliance of the authority, and its members and officers, with human rights legislation

3. Environmental

Matter considered and no issues identified

4. Governance

The Monitoring Officer is the guardian of the lawfulness of decision making, ensuring that the authority and its members and officers adhere to high standards of behaviour and conduct.