



## Designation of Monitoring Officer

### Report by the Head of Paid Service

#### Officer Contact Details Officer Contact Details:-

Paul Brewer

Director for Digital, Sustainability & Resources

07881 323471

paul.brewer@adur-worthing.gov.uk

#### 1. Purpose

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

#### 2. Recommendations

- 2.1. The Council is recommended to designate Geoff Wild as the Council's Monitoring Officer with effect from 25th February 2022.

#### 3. Context

- 3.1 The current Head of Legal Services and Monitoring Officer, Maria Memoli, will leave the employment of Adur District Council on 24th February 2022. 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 25th February 2022.

#### **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 Head of Legal Services is also the Monitoring Officer. However, the designation of the Head of Legal Services 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 Head of Legal Services and for recommending to Council whom to designate as Monitoring Officer. It is anticipated that such a recruitment and selection process will be undertaken later in 2022 by the Joint Senior Staff Committee, who are likely to make an appointment to the post of Head of Legal Services, 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 Monitoring Officer and Head of Legal Services be appointed. A selection process has been undertaken by the Chief Executive (Head of Paid Service) and the Director for Digital, Sustainability & Resources, with the support of the Monitoring Officer. A contractual agreement has been entered into for the temporary services of Geoff Wild to lead the Legal Services section to provide support in the next period.
- 4.6 This report therefore recommends that each Council designate Geoff Wild as the Council's Monitoring Officer from 25th February 2022 until such time as a recommendation for an alternative designation is

forthcoming from the Joint Senior Staff Committee.

## **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 undertaken 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.

## **6. Financial Implications**

- 6.1 A contract has been entered into with a Recruitment Agency for the services of Geoff Wild for 4 days per week. The contract is expected to last 6 months with an additional budget requirement of £44,800.
- 6.2 The additional cost will be funded from the Councils' inflation contingency budgets.

## **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.

## **Background Papers**

None

## **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.