



Adur District Council  
20 October 2022

# ADUR DISTRICT COUNCIL

## Designation of Monitoring Officer

### Report by the Head of Paid Service

#### Officer Contact Details

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#### 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 Joanne Lee as the Council's Monitoring Officer with effect from 28 October 2022.

#### 3. Context

- 3.1. The current interim Head of Legal Services and Monitoring Officer, Geoff Wild, will leave the employment of Adur District Council on 28 October 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 28 October 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 of the 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. An open market recruitment and selection process was undertaken during the summer of 2022 and resulted in the Joint Senior Staff Committee unanimously agreeing on 30 August 2022 to the appointment of Joanne Lee to the post of Head of Legal Services, and to recommend to both full Councils that she be designated as their Monitoring Officer.
- 4.5. This report therefore recommends that each Council designates Joanne Lee as the Council's Monitoring Officer from 28 October 2022.

#### **5. Engagement and Communication**

- 5.1. The Head of Paid Service has been consulted throughout the recruitment process and was involved, alongside the Director for Digital, Sustainability & Resources, the Director for the Economy and the interim Monitoring Officer, in the recruitment and selection process.

#### **6. Financial Implications**

- 6.1. The current 2022/23 full-year salary budget for the Head of Legal Services and Monitoring Officer is £100,100 (including on-costs) based on a Grade 13 role, which is broken down as follows:

	£
Estimated 2022/23 Salary (Grade 13, scp 58)	76,310
National insurance	9,980
Pension contribution	13,810

6.2. The budget is sufficient to fund the proposed appointment.

## **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 are set out in the body of this report.

### **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 an important 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.