

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**EXECUTIVE MANAGEMENT TEAM'S
REPORT TO COUNCIL**

29 January 2020

Report Title: DESIGNATION OF MONITORING OFFICER

Submitted by: CHIEF EXECUTIVE

Portfolios: CORPORATE AND SERVICE IMPROVEMENT, PEOPLE & PARTNERSHIPS

Ward(s) affected: ALL

Purpose of the Report

To designate an Officer as the Borough Council's Monitoring Officer.

Recommendation

That, in accordance with Section 5 of the Local Government & Housing Act 1989, Council designates Mr Daniel Dickinson as the Council's Monitoring Officer.

Reasons

To comply with the requirement of Section 5 of the Local Government & Housing Act 1989, which requires all local authorities to designate one of their officers as their Monitoring Officer.

1. **Background**

- 1.1 Under section 5 of the Local Government & Housing Act 1989 the Council has a statutory duty to designate, by resolution of full council, one of its officers as the Council's Monitoring Officer.
- 1.2 The Monitoring Officer has a number of statutory duties and responsibilities relating to the Council's Constitution and the Council's arrangements for effective governance. These include:
 - to report on matters he/she believes are, or are likely to be, illegal or amount to maladministration;
 - to be responsible for matters relating to the conduct of Councillors; and
 - to ensure the Council's Constitution is up to date and fit for purpose.

2. **Issues**

- 2.1 Members will recall the report taken to Council on 24 July 2019, through which Council designated Mrs Caroline Elwood as the Council's Interim Monitoring Officer. Members will recall that Mrs Elwood was appointed on an interim basis whilst a recruitment exercise was undertaken to fill the post of Head of Legal Services and Monitoring Officer on a permanent basis.
- 2.2 Following a nation-wide recruitment campaign and competitive selection process, undertaken on a cross-party basis, Mr Daniel Dickinson was appointed as the Council's Head of Legal and Governance Services. Mr Dickinson started in that role on 6 January 2020. Today's Council meeting is the first Council meeting since Mr Dickinson's appointment and Members are, accordingly, now asked to confirm Mr Dickinson's designation as Monitoring Officer.

3. **Proposal**

3.1 That, in accordance with Section 5 of the Local Government & Housing Act 1989, Council designates Mr Daniel Dickinson as the Council's Monitoring Officer.

4. **Reasons for Proposed Solution**

4.1 Mr Dickinson's suitability to be designated as Monitoring Officer (in addition to discharging the role of Head of Legal and Governance Services) was specifically tested during the recruitment process. He was considered by stakeholders and the cross party member recruitment panel to be the preferred candidate and eminently appointable to that role.

5. **Options Considered**

5.1 Members will recall that prior to Mrs Elwood's interim appointment, the role of Monitoring Officer was undertaken on a temporary basis by an officer from the County Council. However, following the Chief Executive's appointment, a decision was taken with the support of all Group Leaders to appoint to the role on a full time basis in order to add capacity to the organisation.

5.2 The alternative option would be to designate a different Officer as Monitoring Officer, which could include reverting to the previous arrangement with the County Council. However:-

- Mrs Elwood's interim appointment has demonstrated the very clear benefits in having a permanent, full-time Head of Legal Services and Monitoring Officer on staff.
- Mr Dickinson's suitability to be designated as Monitoring Officer (in addition to discharging the role of Head of Legal and Governance Services) was specifically tested during the recruitment process. He was considered by stakeholders and the cross party member recruitment panel to be the preferred candidate and eminently appointable to both roles.

5.3 In light of those considerations, designating someone other than Mr Dickinson as Monitoring Officer would be incongruous and would not represent the best use of available resource.

6. **Legal and Statutory Implications**

6.1 There are no additional legal implications other than those set out in the report.

7. **Equality Impact Assessment**

7.1 No implications.

8. **Financial and Resource Implications**

8.1 Budgetary provision has been made for the appointment to the role of Head of Legal and Governance Services, and for the designation of that post holder as the Council's Monitoring Officer.

9. **Major Risks**

9.1 Not having a suitable officer designated to the role of Monitoring Officer would be contrary to the requirements of Section 5 of the 1989 Act. Having appropriate expertise

and sufficient capacity in that role is essential for the good governance of the Council and its affairs.

10. **Sustainability and Climate Change Implications**

10.1 No implications

11. **Key Decision Information**

11.1 Not a Key Decision

12. **Earlier Cabinet/Committee Resolutions**

12.2 24 July 2019 Meeting of Full Council – Designation of Mrs Elwood as Interim Monitoring Officer.

13. **List of Appendices**

13.1 N/A

14. **Background Papers**

14.1 N/A