

Report of:	The Monitoring Officer – Bryn Roberts
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AGENDA ITEM 17

Submitted to:	Council, 16 January 2019
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Subject:	Monitoring Officer – Interim and Ancillary Arrangements.
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Summary

Proposed decision(s)
To seek Council agreement to the designation of an interim Monitoring Officer, together with other ancillary arrangements.

Report for:	Key decision:	Confidential:	Can be called-in:
Decision	No	No	No

Contribution to delivery of the 2018-22 Strategic Plan		
Business Imperatives	Physical Regeneration	Social Regeneration
The Council is required to designate one of its officers as Monitoring Officer.	Not applicable	Not applicable

Ward(s) affected
Not applicable

What is the purpose of this report?

1. To seek Council agreement to the designation of an interim Monitoring Officer.

Why does this report require a Member decision?

2. The designation of the Monitoring Officer role, and other ancillary roles, is a Council decision.

Report Background

3. By now, Members will be aware that the current Monitoring Officer is leaving the employment of the authority, with effect from 24 February 2019, although the Monitoring Officer’s last day in the office is expected to be 11 February 2019. The Council is, however, required to designate one of its officers as the Monitoring Officer, pursuant to section 5 of the Local Government and Housing Act 1989, and there is insufficient time to carry out a recruitment exercise prior to the departure of

the current Monitoring Officer. It is, therefore, necessary to designate an interim Monitoring Officer to cover the period up to any recruitment.

4. A range of options have been considered in order to ensure the continuity of Monitoring Officer cover, including an externally sourced provision. However, such an arrangement would inevitably lead to a reduction in resilience, and would be likely to significantly increase the costs of the service. It is therefore considered that the correct solution is to appoint an internal Interim Monitoring Officer for a period of 12 months, and to backfill as necessary.
5. It is also the case that, in dealing with the future arrangements for the roles currently carried out by the Head of Legal and Democratic Services, the Council must be mindful of the management arrangements which will need to be covered. Presently, the Head of Legal and Democratic Services is responsible for Democratic Services (which incorporates the Coroners and Registrars Service, and Electoral Registration) and Legal Services. In view of the likely management needs going forwards, it is proposed that the management responsibilities be divided.
6. It is therefore proposed that the current Head of Legal and Democratic Services and Monitoring Officer roles be considered as three constituent elements, to be assigned as follows:
 - Head of Democratic Services: Sylvia Reynolds (currently the Members and Statutory Services Manager);
 - Head of Legal Services: Samantha Dorchell (currently a Principal Solicitor and Deputy Monitoring Officer); and
 - Monitoring Officer: Samantha Dorchell, for a period of 12 months, commencing 12 February 2019.
7. There remains, as part of the current Head of Legal and Democratic Services' designation, the linked roles of Returning Officer and Electoral Registration Officer. As members will be aware, these roles have taken on a greater prominence over the past few years, given the frequency of electoral events and the introduction of Individual Electoral Registration.
8. In order to ensure, therefore, that these linked roles have support at the appropriate level, it is proposed that the Head of Paid Service be designated as Returning Officer and as Electoral Registration Officer.

What decision(s) are being asked for?

9. Council agrees the following designations:
 - Head of Democratic Services: Sylvia Reynolds (currently the Members and Statutory Services Manager);
 - Head of Legal Services: Samantha Dorchell (currently a Principal Solicitor and Deputy Monitoring Officer);
 - Monitoring Officer: Samantha Dorchell, for a period of 12 months, commencing 12 February 2019;
 - Returning Officer: Tony Parkinson, Chief Executive; and
 - Electoral Registration Officer: Tony Parkinson, Chief Executive.

Why is this being recommended?

10. To ensure the Council has, at all times, a designated Monitoring Officer, Returning Officer, and Electoral Registration Officer.

Other potential decisions and why these have not been recommended

11. In addition to the preferred option, direct external provision, and a shared service provision, have been considered. Direct external provision, either through a service contract arrangement with a company or through temporary employment of an appropriate individual, was considered to be inappropriate due to the significant cost of such an arrangement, and the difficult in locating a suitably qualified and experienced individual. Whilst a shared service arrangement would offer a possible solution, the reality is that there is insufficient capacity amongst the neighbouring authorities to permit such an arrangement to work in practice.

Impact(s) of recommended decision(s)

Legal

12. The Council is required to have an officer designated as its Monitoring Officer. The Council also requires a designated Returning Officer and Electoral Registration Officer.

Financial

13. The cost of the proposed decisions is within existing budgets, and will be met as such.

Policy Framework

14. Not applicable. The report does not propose an amendment to the policy framework.

Equality and Diversity

15. Not applicable.

Risk

16. In the event that the Council fails to designate a Monitoring Officer, Returning Officer, and Electoral Registration Officer, it will be operating outwith the statutory provisions of section 5 of the Local Government and Housing Act 1989, and Sections 35 and Section 38 representation of the People Act 1983, respectively.

Actions to be taken to implement the decision(s)

17. The designations will take effect from 12 February 2019.

Background papers

No background papers were used in the preparation of this report.

Bryn Roberts, Monitoring Officer