



Council

23 January 2023

Subject: Appointment of Interim Monitoring Officer

Report by:	Chief Executive
Contact Officer:	Emma Foy Section 151 Officer
Purpose / Summary:	To make an appointment to the Statutory post of Monitoring Officer for West Lindsey District Council following the resignation of the current officer.

RECOMMENDATION(S):

It is recommended that

- (a) In accordance with the terms of Part I, 5 of the Local Government and Housing Act 1989 (as amended) and all subsequent related legislation, Mrs Jeanette McGarry be appointed as the Council's Interim Monitoring Officer, from the 28th February 2023 until a permanent Officer is recruited and approved by Council.
- (b) The Constitution be amended, as necessary, to reflect this revised appointment.

IMPLICATIONS

Legal:

The Council has a statutory duty to appoint to the position of Monitoring Officer and have a Monitoring Officer in place at all times.

Financial :

The role of Monitoring Officer is encompassed within the Interim Fee

Staffing :

Equality and Diversity including Human Rights :

Data Protection Implications :

Climate Related Risks and Opportunities :

There are no climate related risks from this report.

Section 17 Crime and Disorder Considerations :

Health Implications:

Title and Location of any Background Papers used in the preparation of this report:

Wherever possible please provide a hyperlink to the background paper/s
If a document is confidential and not for public viewing it should not be listed.

Risk Assessment :

--

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

☐

No

☐

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

☐

No

☐

1 Background

- 1.1 The role of Monitoring Officer is a Statutory Officer, which Council has a duty to appoint to.
- 1.2 The role of Monitoring Officer is currently assigned to Mrs Emma Redwood, Assistant Director of People and Democratic Services, and has been since 2021.
- 1.3 Mrs Redwood has resigned from her position and will leave the Council on the 28th February 2023.
- 1.4 Due to the departure of the current post holder, it is essential that a monitoring officer is appointed on an interim basis whilst a permanent officer, to the Assistant Director role, is recruited to.
- 1.5 Mrs Jeanette McGarry will be joining West Lindsey District Council on an interim basis, in an Assistant Director role, whilst permanent recruitment is undertaken.

2. Regulations

2.1 Monitoring Officer

2.3.1 *Part I, section 5 of the Local Government and Housing Act 1989*

- (i) It shall be the duty of every relevant authority –
 - (a) to designate one of their officers (to be known as “the monitoring officer”) as the officer responsible for performing the duties imposed by this section; and
 - (b) to provide that officer with such staff, accommodation and other resources as are, in his opinion, sufficient to allow those duties to be performed;

and the officer so designated may be the head of the authority’s paid service but shall not be their chief finance officer.

This was later amended in the *Local Government Act 2000 Schedule 5 (24)* as:

- 3) 1a) The officer designated under subsection (1) above by a relevant authority to which this subsection applies may not be the head of that authority’s paid service
- 1b) Subsection (1a) above applies to the following relevant authorities in England and Wales –

- (a) a county council;
- (b) a county borough council;
- (c) a district council;
- (d) a London borough council;
- (e) a Greater London Authority; and
- (f) the Common Council of the City of London in its capacity as a local authority, police authority or post health authority.

3. Proposed Recommendations

It is recommended that

- (a) In accordance with the terms of Part I, 5 of the Local Government and Housing Act 1989 (as amended) and all subsequent related legislation, Mrs Jeanette McGarry be appointed as the Council's Interim Monitoring Officer from the 28th February 2023.
- (b) The Constitution be amended, as necessary, to reflect this revised appointment.