
APPOINTMENT OF THE INTERIM MONITORING OFFICER.

To: **Council – 10 July 2014**

By: The Director of Community Services on behalf of the Chief Executive

Classification: **Unrestricted**

Ward: **All**

Summary: To request Council to appoint Mr Steven Boyle as the Council's interim Monitoring Officer pending the recruitment to this position of a permanent employee.

For Decision

1. Introduction and Background

- 1.1 At a meeting of Council on the 27th February 2014, the new corporate structure including the re-designation of the two statutory posts of Section 151 officer (Chief Financial Officer) and Monitoring Officer was agreed.
- 1.2 It was agreed within the new structure to move the designation of Section 151 Officer (Chief Financial Officer) to the newly created post of Director of Corporate Resource.
- 1.3 It was also agreed to move the designation of Monitoring Officer to the existing post of Legal Services Manager to create a new post of Legal Services Manager and Monitoring Officer.
- 1.4 Under Section 5 of the Local Government & Housing Act 1989 (as amended), the Council has a legal duty to appoint a Monitoring Officer (MO).
- 1.5 The Council's constitution, Part 4, under Officer Employment Procedure Rules, requires that a Committee or Sub-Committee of the Council appoint chief officers and deputy chief officers. That Committee or Sub-Committee must include at least one member of the Cabinet. Also that, an offer of employment as a chief officer or deputy chief officer shall only be made where no well-founded objection from any member of the Cabinet has been received.
- 1.6 At a meeting of the General Purposes Committee on 8 May 2014, the committee agreed that: "Steve Boyle is appointed as the Interim Monitoring Officer with immediate effect until either a permanent Legal Services Manager is appointed or the next meeting of Council."

2. The Current Situation

- 2.1. Following the redundancy of the Corporate and Regulatory Services Manager on the 1st May 2014, the council did not have an MO.
- 2.2. Recruitment to the permanent position of Legal Services Manager and Monitoring Officer is underway with applications being received.

- 2.3. Steven Boyle is currently contracted as interim Legal Services Manager and has been performing this role since September 2013. Steven was selected following a tender process inviting three specialist legal services employment agencies to provide candidates. Three candidates were interviewed and Steven Boyle was selected as the most qualified and suitable candidate. Over the last 9 months Steven has become familiar with the way the Council operates and has become familiar with the structure and Constitution.
- 2.4. Steven is a very experienced Legal Services Manager and Monitoring Officer having worked for Brentwood Borough Council on a permanent basis for twenty five years. During this employment he held a number of roles, progressing through the organisation to become the Head of Legal and Governance and MO in 2011. In this role he performed the regulatory function required of the MO and had responsibility for the council's governance, legal, procurement, electoral and democratic services. He is qualified as an Associate of the Institute of Legal Executives.
- 2.5. Attached at **Annex 1** is the job description for the post of Legal Services Manager and Monitoring Officer. This outlines the duties of the Officer concerned and the qualifications, skills and experience required.
- 2.6. Since the General Purposes Committee meeting on the 8th May 2014, Steven Boyle has been fulfilling the role of Monitoring Officer on an interim basis.

3. The Proposals

- 3.1. Steven Boyle is appointed as interim Monitoring Officer with immediate effect to provide some stability to the Council at the present time until the successful appointment of a permanent Legal Services Manager is made following the current recruitment exercise.

4. Options

- 4.1. Council approves the appointment of Steven Boyle as interim MO as set out in this report.
- 4.2. Council appoints another Officer of the Council as MO - this is not recommended and will lead to delay in putting in place suitable arrangements; or
- 4.3. Council does not appoint an MO. This is not a tenable option as it would leave the Council in breach of its statutory duty to appoint such an officer.

5. Corporate Implications

5.1. Financial and VAT

- 5.1.1. The proposed appointment of Steven Boyle as Interim MO will be contained within existing budgets.

5.2. Legal

- 5.2.1. The Council is required by the Local Government Acts to employ suitably qualified individuals as Head of Paid Service, Section 151 Officer (Chief Financial Officer) and Monitoring Officer. The proposed appointment complies with those requirements. Given the current position it would be advisable to appoint to this role pending permanent recruitment to help provide a robust management structure.

5.3. Corporate

5.3.1. The council has and will comply with its relevant policies and procedures.

5.4. Equity and Equalities

5.4.1. The council has and will comply with its relevant policies and procedures.

6.0 Recommendation

6.1 Steven Boyle is appointed as interim MO with immediate effect and until the successful appointment of a permanent Legal Services Manager is made.

7.0 Decision Making Process

7.1 Responsibility for the appointment of Chief Officers lies with the General Purposes Committee or a Sub-Committee or indeed with Council. General Purposes Committee felt it was an important appointment and should be made by Council.

Contact Officer:	
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Annex List

Annex 1	Job Description for the Legal Services Manager and Monitoring Officer
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Corporate Consultation Undertaken

Finance	Paul Cook – Interim Director of Corporate Resources & Deputy Section 151 Officer
Legal	Steven Boyle – Interim Legal Services Manager & Monitoring Officer