
APPOINTMENT OF TEMPORARY MONITORING OFFICER

To: **General Purposes Committee – 01 April 2014**

Main Portfolio Area: **Leader of the Council and Cabinet Member for Strategic Economic Development Services**

By: **Head of Paid Service**

Classification: **Unrestricted**

Ward: **All**

Summary: To appoint Madeline Homer as the temporary Monitoring Officer for the Council following the departure of the current MO.

For Decision

1.0 Introduction and Background

- 1.1 Under Section 5 of the Local Government & Housing Act 1989 (as amended), the Council has a duty to appoint a Monitoring Officer (MO).
- 1.2 The current MO is on notice of redundancy and is in discussions to leave during his notice period. It is therefore anticipated that the role of MO will shortly become vacant.
- 1.3 Neither the Head of Paid Service nor the Chief Finance Officer can hold the position of MO. The practice of most Councils is to appoint their most senior legal officer as their MO although this is not a legal requirement.
- 1.4 The post of Legal Services Manager is currently vacant pending a permanent appointment as an outcome of the corporate restructure. There is currently a consultant appointed as interim Legal Services Manager.
- 1.5 The intention is that following the recruitment of a permanent Legal Services Manager, this person will be recommended for appointment as the council's MO.

2.0 The Current Situation

- 2.1 During the transition to our new structure, it is essential to have consistency in management of the role of MO until the post of Legal Services Manager is filled permanently which is estimated at this point to be around the end of September 2014.
- 2.2 The Director of Community Services, Madeline Homer has a law degree and is an ex-practising barrister. As a Director of the Council, she is therefore an ideal candidate to manage this role through the transition until handover to the new incumbent.
- 2.3 It is imperative for consistency and resilience to ensure that matters in relation to the constitution and governance of the council are managed appropriately. Madeline Homer's experience and qualifications will enable her to undertake the statutory duties and responsibilities of the MO, including maintaining the constitution, ensuring

that no decision or omission of the Council is likely to give rise to illegality or maladministration and promoting high standards of conduct.

3.0 Options

3.1 The options are either:

3.1.1 to appoint Madeline Homer as the Temporary MO - this is the recommended option;

3.1.2 to appoint another Officer of the Council - this is not recommended and will lead to delay in putting in place suitable arrangements; or

3.1.3 not to appoint a MO – this is not a tenable option as it would leave the Council in breach of its statutory duty.

4.0 Corporate Implications

4.1 Financial and VAT

4.1.1 Madeline Homer will be paid an honorarium to reflect these additional responsibilities and this will be met from existing budgets (subject to the agreement of the Leader and Shadow Leader).

4.2 Legal

4.2.1 These are set out in the report

4.3 Corporate

4.3.1 These are set out in the report

4.4 Equity and Equalities

4.4.1 There are no implications

5.0 Recommendation(s)

5.1 To appoint Madeline Homer as temporary MO following the departure of the current MO.

6.0 Decision Making Process

6.1 This is a decision for the General Purposes Committee.

Contact Officer:	<i>Sue McGonigal, Chief Executive</i>
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Background Papers

None

Corporate Consultation Undertaken

Finance	Finance Manager
Legal	Litigation Solicitor