

BABERGH DISTRICT COUNCIL

TO: BDC Council	REPORT NUMBER: BC/22/22
FROM: Chief Executive	DATE OF MEETING: 6 October 2022
OFFICER: Arthur Charvonja, Chief Executive	KEY DECISION REF NO. N/A

APPOINTMENT OF MONITORING OFFICER

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to approve the appointment of a Monitoring Officer for Babergh and Mid Suffolk District Councils as required by S.5 of the Local Government and Housing Act 1989.

2. OPTIONS CONSIDERED

- 2.1 This is a statutory requirement, therefore there are no other options available.

3. RECOMMENDATION

- 3.1 That Jodie Townsend, the interim Director for Law, Governance and Regulatory Services be appointed as the Council's Monitoring Officer from 10 October 2022.

4. KEY INFORMATION

- 4.1 The role of the Monitoring Officer is incorporated in the job profile of the Director – Law, Governance and Regulatory Services and, under the shared working agreement between Babergh and Mid Suffolk District Councils, is a joint appointment by both Councils.
- 4.2 The current postholder has resigned from the Councils to take up employment with another local authority and therefore the role of Monitoring Officer will become vacant on 10 October 2022. In order to comply with the statutory requirements of the Local Government and Housing Act 1989, the Councils must designate an officer of the Council to act as the Monitoring Officer.
- 4.3 Due to the lead times for recruitment, it has not been possible to appoint a permanent replacement for the role. Therefore, the Chief Executive and other Senior Officers have worked with specialist recruitment agencies to source an interim appointment.

5. LINKS TO CORPORATE PLAN

- 5.1 The Monitoring Officer is responsible for ensuring that the Councils operate within a robust and effective governance framework and that the highest standards of ethical conduct are maintained. This underpins the delivery of all of the Councils' strategic priorities as set out in the corporate plan.

6. FINANCIAL IMPLICATIONS

- 6.1 The Monitoring Officer post is incorporated in the role of Director for Law, Governance and Regulatory Service. This post is part of the staff establishment and is included in the base budget.

7. LEGAL IMPLICATIONS

- 7.1 Section 5(1)(a) of the Local Government and Housing Act 1989 requires that every authority must “designate one of their officers (to be known as “the monitoring officer”) as the officer responsible for performing the duties imposed by this section”. The Head of Paid Service and s.151 Officer may not be designated as the Monitoring Officer.

8. RISK MANAGEMENT

- 8.1 Key risks are set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
The Councils do not have a designated Monitoring Officer in place and do not comply with S.5 of the LGHA 1989	Low	High	An interim appointment is being sought to cover the period until a permanent MO is appointed.

9. CONSULTATIONS

- 9.1 No formal consultation is needed for this decision.

10. EQUALITY ANALYSIS

- 10.1 A full Equality Impact Assessment is not required for this report. The recruitment of the proposed appointee has been conducted in accordance with our equalities policy.

11. ENVIRONMENTAL IMPLICATIONS

- 11.1 There are no environmental impacts associated with this report.

12. APPENDICES

None

13. BACKGROUND DOCUMENTS

None

14. REPORT AUTHORS

Arthur Charvonia – Chief Executive