

BABERGH DISTRICT COUNCIL and MID SUFFOLK DISTRICT COUNCIL

TO: BDC Council	REPORT NUMBER: MC/23/24
FROM: Chief Executive	DATE OF MEETING: 26 October 2023
OFFICER: Arthur Charvonja, Chief Executive	KEY DECISION REF NO. N/A

APPOINTMENT OF INTERIM MONITORING OFFICER

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to approve the appointment of an Interim 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 Jan Robinson, Corporate Manager for Governance and Civic Office be appointed as the Council's Interim Monitoring Officer from 31st October 2023.

4. KEY INFORMATION

- 4.1 The role of the Monitoring Officer is incorporated in the job profile of the Director – Law and Governance, under the shared working agreement between Babergh and Mid Suffolk District Councils, is a joint appointment by both Councils.
- 4.2 The Director for Law and Governance post has been filled by an interim consultant since the previous postholder left in October 2022. The post for the Director of Law and Governance is currently being advertised but will not be filled before the interim post holder leaves the Council on 31st October 2023.
- 4.3 To cover the period until the new Law and Governance Director takes up their new post it is proposed that the Corporate Manager for Governance and Civic Office be appointed as the interim Monitoring Officer. 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.

5. LINKS TO CORPORATE PLAN

- 5.1 The current corporate plan is being reviewed and a new plan will be adopted in January 2024
- 5.2 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 and Governance. 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 is an internal appointment and has been conducted in accordance with our equalities policy.

11. ENVIRONMENTAL IMPLICATIONS

None

12. BACKGROUND DOCUMENTS

None