

24 July 2019		ITEM: 11
Council		
Appointment of Interim Monitoring Officer		
Wards and communities affected: N/A	Key Decision: N/A	
Report of: Councillor Rob Gledhill, Leader of the Council		
Accountable Assistant Director: N/A		
Accountable Director: Lyn Carpenter, Chief Executive		
This report is Public		

Executive Summary

The Council is required to appoint a Monitoring Officer (MO) under Section 5 of the Local Government and Housing Act 1989. The appointment of the Monitoring Officer is reserved to the Council and cannot be made by any other body.

This report seeks approval to appoint an Interim Monitoring Officer (IMO) whilst an external recruitment process for a permanent MO is undertaken, interviews of candidates will be held by the General Services Committee (GSC) with a recommendation to Full Council.

1. Recommendation(s)

1.1 That Tim Hallam be appointed as the Interim Monitoring Officer of Thurrock Council.

2. Introduction and Background

2.1 This report seeks Council's formal approval to appoint Mr Tim Hallam as the Interim Monitoring Officer following an interview process and consultation with Group Leaders.

3. Issues, Options and Analysis of Options

3.1 The Council is required to appoint a Monitoring Officer under Section 5 of the Local Government and Housing Act 1989 and the final appointment of this role is reserved to the Council.

3.2 Whilst there is no requirement for the MO to have a legal qualification or background, there is a recognised benefit nationally as interpretation of the

Constitution is often supported by the various Acts of Parliament it is based on and extensive case law that often informs that interpretation.

- 3.3 The MO is required to then delegate the role of Deputy Monitoring Officer/s to any number of his or her team and this can be across a number of disciplines to provide him or her with a range of support whilst also providing the Council with appropriate cover in the absence of the MO. This is a function reserved entirely for the MO.

Current Position

- 3.4 Mr David Lawson is the Council's Assistant Director of Law & Governance and holds the statutory role of Monitoring Officer. The Assistant Director of Law & Governance and Legal Services sit within the Authority's Finance, IT and Legal Services Directorate and reports to the Director of Finance, IT and Legal.
- 3.5 Mr David Lawson announced his intention to retire in April 2019 and a departure date of 31 July 2019 was agreed to see the Council through the election period and start of the new municipal year.
- 3.6 The following has then been progressed:
- Discussions have taken place with recruitment agencies to determine the market for Assistant Directors of Legal Services and Monitoring Officers and the response is that such experienced officers are currently hard to recruit;
 - Based on the above, quotes have been sought from three recruitment agencies and one has now been appointed. Recruitment is expected to take six to eight months with appointment through the General Services Committee and Full Council; and
 - Expressions of Interest to temporarily act up into the AD – Legal and MO role were sought from the Legal Services senior management team.
- 3.7 After consultation with the Group Leaders on 24 June 2019, an interview process took place and Mr Tim Hallam appointed as Acting Director of Law & Governance and subject to Full Council approval it is also proposed that Mr Hallam covers the role of Interim MO until such time as permanent recruitment is completed and confirmed.
- 3.8 Mr Tim Hallam has been acting as a Deputy MO supporting Mr David Lawson and has over twenty years' experience working as senior lawyer across both local and national government as well as experience within leading private legal practices.

4. Reasons for Recommendation

- 4.1 To appoint an Interim Monitoring Officer whilst a permanent recruitment process continues.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 There has been consultation with Group Leaders at a meeting of the Governance Group on 24 June 2019.

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 The appointment of a Monitoring Officer is essential to the Council in complying with Section 5 of the Local Government and Housing Act 1989.

7. Implications

7.1 Financial

Implications verified by: **Sean Clark**
Director of Finance, IT and Legal

There are no financial implications as a result of this recommendation as the cost of the post is within budget.

7.2 Legal

Implications verified by: **David Lawson**
Assistant Director - Legal Services

In accordance with section 5 of the Local Government and Housing Act 1989, the Council must appoint an officer to be its designated Monitoring Officer.

The appointment of the Monitoring Officer must be approved by Full Council and the officer to be appointed to this position must not be the Chief Finance Officer (Section 151 Officer) or the Head of Paid Service.

The Local Government and Housing Act 1989 requires Councils to appoint a Monitoring Officer to ensure the lawfulness and fairness of Council decision making and the role of the Monitoring Officer at Thurrock is set out Chapter 1, Part 2, Article 12 of the Council's Constitution.

7.3 **Diversity and Equality**

Implications verified by: **Natalie Warren**
**Community Development and Equalities
Manager**

The Council is under a statutory obligation to ensure that appropriate equality consideration is given in the exercise of its services and functions.

7.4 **Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

N/A

8. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

N/A

9. **Appendices to the report**

N/A

Report Author:

Sean Clark

Director of Finance, IT and Legal