

26 January 2022		ITEM: 11
Council		
Appointment of Interim Monitoring Officer		
Wards and communities affected: All	Key Decision: Non-key	
Report of: Councillor Rob Gledhill, Leader of the Council		
Accountable Director: Lyn Carpenter, Chief Executive		
This report is Public		

Executive Summary

In accordance with the relevant legislation and Constitutional requirements this report provides Council with information for noting with regards to the appointment of an interim Monitoring Officer, as an Emergency Decision (ED2), in order to ensure statutory and governance requirements are maintained.

1. Recommendation

- 1.1 To note the appointment of Mr Matthew Boulter to act as the Council's Monitoring Officer on an interim basis, taken as an Emergency Decision (ED2).**

2. Introduction and Background

- 2.1 The Council's permanent Assistant Director Legal and Monitoring Officer left the Council on 3 December 2021.
- 2.2 Due to the departure of the postholder there was an urgent need to appoint an interim Monitoring Officer to ensure the Council's statutory requirements were met and governance arrangements remained in place.

3. Monitoring Officer

- 3.1 The Council is required to appoint a Monitoring Officer under Section 5 of the Local Government and Housing Act 1989. It is a statutory role and essential for the efficient delivery of Council services and governance.

- 3.2 In the absence of a permanent Monitoring Officer it was essential that an interim appointment was made as an Emergency Decision (ED2) and there was no opportunity to consider external recruitment due to the time restrictions.
- 3.3 As such, the decision to appoint Mr Matthew Boulter as interim Monitoring Officer was undertaken as an Emergency Decision (ED2). Mr Boulter is an experienced existing Deputy Monitoring Officer, who joined Thurrock in 2005.
- 3.4 The ED2 appointed Matthew Boulter as interim Monitoring Officer effective 4 December 2021.
- 3.5 Arrangements for the permanent replacement of the Assistant Director Legal and Monitoring Officer will be developed and managed in line with normal requirements through General Services Committee and any permanent appointment brought to Council for approval.

4. Reasons for Recommendation

- 4.1 To ensure interim arrangements are maintained to meet statutory requirements whilst options for permanent recruitment are explored.
- 4.2 The interim arrangements will be in place until permanent recruitment is concluded in 2022.

5. Consultation

- 5.1 The appointment of Matthew Boulter as Interim Monitoring Officer was reported to General Services Committee on 8 December 2021.

6. Implications

6.1 Financial

Implications verified by: **Sean Clark**
Corporate Director Resources and Place Delivery

The Monitoring Officer is part of a substantive post and is therefore included within the council's core budgets.

6.2 Legal

Implications verified by: **Gina Clarke**
Corporate Governance Lawyer & Deputy Monitoring Officer

Section 5 of the Local Government and Housing Act 1989 requires the Council to designate one of its officers as the Monitoring Officer and provide that officer with such staff, accommodation and other resources as they consider sufficient to allow them to perform their duties. By law the Monitoring Officer cannot be the Council's designated Head of Paid Service or its Chief Finance Officer.

Although the Monitoring Officer's duties are essentially legal, there is currently no requirement for the officer to be legally qualified. The position of Monitoring Officer is an essential role pivotal to the protection of probity of the Council. The Monitoring Officer has a number of specific statutory duties, which include to report to the Council on matters which appear to him/her which are, or are likely to be, illegal or amount to maladministration. The Monitoring Officer is responsible for matters relating to the conduct of councillors and officers; and also for the operation of the Council's constitution. The Monitoring Officer also carries out a number of responsibilities set out in the constitution and legislation.

It is the duty of the Council, and a requirement of the Constitution, to designate an officer as Monitoring Officer. The designation of an officer as Monitoring Officer is a Council matter. However the main body of report sets out the reasons for Chief Executive taking urgent action to fill this role as temporary measure.

Chapter 6, Part 1 of the Council's Constitution sets out those functions which have been delegated to Officers. Under this Part of the Constitution the Chief Executive is authorised to discharge all the functions of the Council within her area of responsibility (Chapter 6, Part 1, para 4.1). The Chief Executive may allocate or reallocate responsibility for functions between officers as necessary for the effective discharge of those functions or to cover the absence of particular officers (Chapter 6, Part 1, para 4.9).

Further, the Chief Executive has exercised urgency powers set out in Chapter 6, Part 1, para 7.1 (d) of the Constitution which states, that the Chief Executive shall in cases of urgency or emergency, take any decision on behalf of the Council (after consultation with the Leader).

The urgent action taken by the Chief Executive to designate an officer to act as Monitoring Officer on an interim basis is a temporary measure. The action taken falls within the remit of the Chief Executive's urgency powers referred to above, which will be superseded as soon as a permanent Monitor Officer can be appointed by Council, in accordance with the process for making a permanent appointment to this role.

6.3 Diversity and Equality

Implications verified by: **Rebecca Price**
Team Manager Community
Development & Equalities

The interim appointment was made in line with the Council's Constitution as an Emergency Decision (ED2). Any proposed permanent recruitment will be based on the council's recruitment process which is underpinned by the council's equal opportunity policy.

Report Author:

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