

APPOINTMENT OF MONITORING OFFICER
REPORT OF CHIEF EXECUTIVE

WARDS AFFECTED: ALL WARDS



1. PURPOSE OF REPORT

- 1.1 To advise Council of the need to appoint a new Monitoring Officer and to secure approval for the recommended appointee. It is brought to the Council as an urgent item to ensure that there is a designated Monitoring Officer, for the reasons set out in Section 3.3 of the report.

2. RECOMMENDATION

- 2.1 That Council approves the appointment of Julie Kenny to the statutory role of Monitoring Officer for Hinckley & Bosworth Borough Council.

3. BACKGROUND TO THE REPORT

- 3.1 The role of Monitoring Officer for Local Authorities was established by Section 5 of the Local Government and Housing Act 1989, as amended by Schedule 5, paragraph 24, of the Local Government Act 2000. It is one of three such statutory roles; the others being Head of Paid Service and Section 151 Officer (Chief Finance Officer). At this Council those roles are fulfilled by the Chief Executive and Deputy Chief Executive (Corporate Direction) – Steve Atkinson and Sanjiv Kohli respectively. The roles should remain distinct and separate.

- 3.2 In simple terms, the Monitoring Officer has three main responsibilities:

- To report on matters he/she believes are, or are likely to be, illegal or to amount to maladministration;
- To be responsible for matters relating to the conduct of Councillors and Officers; and
- To be responsible for the operation of the Council's Constitution.

- 3.3 At the time of writing, the Monitoring Officer for Hinckley & Bosworth Borough Council is Louisa Horton. However, in the last few days, Louisa has indicated her intention to leave the Council's service as of 14 November 2014 – the date her maternity leave ends. As the next Council meeting is not until 16 December, that would leave a considerable gap between Louisa's leaving and the formal appointment of her replacement, the matter is being brought to this meeting.

- 3.4 I have consulted with my colleagues on the Strategic Leadership Board and we have agreed that the role of Monitoring Officer should be performed by Julie Kenny, who is the Chief Officer for Finance, Resources and Housing Repairs. It is my considered view that the importance of the role, not least because it can involve challenge to Members and to Senior Managers in the Authority, must be undertaken by a Chief Officer, at least, and it is for this reason that Julie Kenny has been selected.

- 3.5 In making this recommendation to Council, I should emphasise that it is not a reflection on the other Chief Officers, but a recognition that this role is an additional responsibility and there is a need to ensure that the Chief Officer workloads are as evenly distributed as possible, whilst also recognising the need for the Monitoring Officer to act impartially.

3.6 The role of Deputy Monitoring Officer will continue to be undertaken by Emma Horton, the Legal Services Manager.

4. FINANCIAL IMPLICATIONS [SK]

4.1 There are no financial implications arising directly from this report.

5. LEGAL IMPLICATIONS [ST]

5.1 The requirement for the appointment to the statutory post has been dealt with in Paragraph 3 above. There are no further legal implications to report.

6. CORPORATE PLAN IMPLICATIONS

6.1 This report has implications for an overall aim of being 'a Borough to be Proud of' and our value of being 'a confident and capable Council'.

7. CONSULTATION

7.1 Members of the Strategic Leadership Board and Corporate Operations Board have been consulted.

8. RISK IMPLICATIONS

8.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

8.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

8.3 The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Not having a Monitoring Officer in place could put the probity of the Council at risk.	Adopting the recommendation in the report.	Chief Executive

9. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

9.1 This report and the decision made by the Council will have an effect on all the Council's activities, wherever they are undertaken.

10. CORPORATE IMPLICATIONS

10.1 By submitting this report, the report author has taken the following into account:

- Community Safety implications
- Environmental implications
- ICT implications
- Asset Management implications
- Human Resources implications

- Planning Implications
- Voluntary Sector

Background papers: None

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