

Appointment of Monitoring Officer

- Summary:** Under Section 5 of the Local Government and Housing Act 1989, the Council is required to designate a Monitoring Officer. The Monitoring Officer has a number of statutory duties and responsibilities relating to the Council's Constitution and arrangements for effective governance. Following the recent resignation of the officer who has fulfilled this role for the Council since September 2016, it is necessary to designate a new officer to fulfil the Monitoring Officer role for the authority.
- Options considered:** To designate an officer of the Council as Monitoring Officer or buy-in the service from an external provider.
- Conclusions:** Council is required to appoint a Monitoring Officer 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.
- Recommendation:** **That Council appoints Cara Jordan, Assistant Director for Finance, Assets & Legal as the Council's Monitoring Officer on a permanent basis and with immediate effect**

Cabinet Member(s): All	Ward(s) affected All
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1. Introduction

- 1.1 Section 5 of the Local Government and Housing Act 1989, requires that the Council appoints a Monitoring Officer. The Monitoring Officer has a number of statutory duties and responsibilities relating to the Council's Constitution and arrangements for effective governance.

2. Background

- 2.1 The officer who has served as the Council's Monitoring Officer since September 2016 resigned from the authority with effect from 31st January 2021; it is therefore necessary to designate a new officer to fulfil the Monitoring Officer role for the authority.
- 2.2 The Monitoring Officer appointment is required by the Council's Constitution to be made by Full Council.

- 2.3 Until Full Council is able to make a permanent appointment into the role at its meeting of the 24th February 2021, the Chief Executive has made an interim appointment into the role under Delegated Powers. Under these arrangements, Cara Jordan, Assistant Director – Finance, Assets and Legal, has been appointed as Interim Monitoring Officer.

3. Decision to be taken

- 3.1 The functions of the Monitoring Officer, as detailed in the Council's Constitution are included at Appendix 1 to this report. The appointment is not a specific job role within the Council's establishment, the Monitoring Officer duties are supplementary responsibilities attached to a substantive postholder, for which an additional payment of £4965 per annum is paid. This payment is within the Council's budget and there are therefore no additional costs associated with making this appointment.
- 3.2 It is therefore recommended that Cara Jordan, Assistant Director of Finance, Assets and Legal – be appointed as the Council's Monitoring Officer on a permanent basis and with immediate effect.
- 3.3 Ms Jordan has previously been Deputy Monitoring Officer for the authority, and as a qualified barrister is well qualified to fulfil the requirements of the Monitoring Officer role.
- 3.4 On appointment, the Monitoring Officer is then able to appoint a Deputy Monitoring Officer/s to provide support with specific elements of the role and to provide appropriate cover in the absence of the Monitoring Officer.

4. Corporate Plan Objectives

- 4.1 Not applicable

5. Medium Term Financial Strategy

- 5.1 Not applicable

6. Financial and Resource Implications

- 6.1 There are no financial or resource implications for the authority in making this appointment. Existing provision exists within the approved budget for the supplementary responsibility payment made to the Monitoring Officer.

7. Legal Implications

- 7.1 Section 5 of the Local Government & Housing Act 1989, as amended by schedule 5, paragraph 24 of the Local Government Act 2000, requires the Council to appoint a permanent Monitoring Officer.

8. Impact on Climate Change

8.1 Not applicable

9. Equality and Diversity

9.1 There are no equality and diversity issues raised by this report.

10. Section 17 Crime and Disorder considerations

10.1 Not applicable

11. Recommendation

That Council appoints Cara Jordan, Assistant Director for Finance, Assets & Legal as the Council's Monitoring Officer on a permanent basis and with immediate effect.

Appendix 1 - Functions of the Monitoring Officer

1. Maintaining the Constitution.

The Monitoring Officer will maintain and revise an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Members, staff and the public.

2. Ensuring lawfulness and fairness of decision making.

After consulting with the Chief Executive and Chief Financial Officer, the Monitoring Officer will report to the Full Council or to the Cabinet in relation to a Cabinet function if he/she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered and appropriate advice taken.

3. Supporting the Standards Committee

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

4. Working with the Independent Person

The Monitoring Officer will work with the Council's appointed Independent Person to promote and maintain high standards of conduct and ethical behaviour.

5. Receiving reports

The Monitoring Officer will receive and act on decisions of the Standards Committee.

6. Conducting investigations

The Monitoring Officer will conduct investigations or arrange for investigations to be conducted into matters referred by ethical standards officers and make reports or recommendations in respect of them to the Standards Committee.

7. Proper Officer for access to information

The Monitoring Officer will ensure that Cabinet decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

8. Advising whether Cabinet decisions are within the budget and policy framework

The Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the budget and policy framework.

9. Providing advice

The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.

10. Restrictions on posts

The Monitoring Officer cannot be the Chief Financial Officer or the Head of Paid Service.

The Monitoring Officer will discharge his/her functions in accordance with the Council's protocol.