

ASSEMBLY

10 October 2012

Title: APPOINTMENT OF THE MONITORING OFFICER	
Report of: The Chief Executive	
Open	For Decision
Wards Affected: All	Key Decision: No
Report Author: John Dawe, Group Manager Democratic Services	Contact Details: Tel: 020 8227 2135 E-mail: john.dawe@lbbd.gov.uk
Accountable Divisional Director: Fiona Taylor, Legal and Democratic Services	
Accountable Director: The Chief Executive	
Summary: <p>This report requests the Assembly to agree the appointment of the Monitoring Officer.</p> <p>The Constitution identifies the Head of Legal & Democratic Services as the officer designated to be the Monitoring Officer, in accordance with Section 5 of Local Government and Housing Act 1989.</p> <p>The Assembly is requested to agree to the recommendation of the JNC Appointments Panel who made the appointment of the Head of Legal & Democratic Services, alongside an Interview Panel of Thurrock Council</p> <p>A similar report containing the same recommendation was considered and approved by a meeting of Thurrock Council on 26 September 2012.</p>	
Recommendation(s) <p>Assembly is recommended to agree that Fiona Taylor, the Head of Legal & Democratic Services, be appointed as the officer designated to be the Monitoring Officer, in accordance with section 5 of the Local Government and Housing Act 1989 with effect from 10 October 2012.</p>	
Reason(s) <p>The decision to designate a post holder to the role of the Monitoring Officer is reserved to the Assembly.</p>	

1. Introduction and Background

- 1.1 A meeting of the JNC Appointments Panel sitting alongside an Interview Panel of Thurrock Council took place on 14 August 2012 to make the appointment of the Head of Legal & Democratic Services for both authorities, in accordance with their respective policies and procedures for making such an appointment.
- 1.2 In the Council's Constitution, the Head of Legal & Democratic Services is identified as the officer designated to be the Monitoring Officer in accordance with section 5 of the Local Government and Housing Act 1989.
- 1.3 The appointment of the Monitoring Officer is reserved to the Assembly. Accordingly, the JNC Appointments Panel together with the Interview Panel of the Thurrock Council, were requested to make a recommendation in terms of the appointment of the Monitoring Officer to their respective authorities.

2. Proposal and Issues

- 2.1 The JNC Appointments Panel appointed Fiona Taylor to the post of Head of Legal & Democratic Services, which was also the decision of the Interview Panel of Thurrock Council.
- 2.2 Both Panels have recommended to their respective authorities that Fiona Taylor be appointed as the Monitoring Officer, in accordance with Section 5 of the Local Government and Housing Act 1989.

3. Options Appraisal

- 3.1 The Monitoring Officer is a statutory appointment under the provisions of Section 5 of the Local Government and Housing Act 1989.

4. Consultation

- 4.1 The appointment of the Head of Legal & Democratic Services was made by a JNC Appointments panel made up of councillor R Gill, Deputy Leader of the Council, Councillors Alexander, Hunt and Mullane.
- 4.2 In accordance with the statutory provisions for appointing JNC Officers, the Cabinet were consulted in respect of the decision and raised no objections to the appointment.

5. Financial Implications

Implications completed by: Olufunke Johnson
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- 5.1 The shared Head of Legal & Democratic Services/Monitoring Officer statutory role will be funded from existing budgets.

6. Legal Implications

Implications completed by: Fiona Taylor

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- 6.1 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 to ensure the lawfulness of Council decision making. The steps taken to enable a formal appointment by the Assembly have been made in accordance with the provisions of the Employment Rules set out in Part D of the Constitution.
- 6.2 The appointment of the Monitoring Officer must be approved or confirmed by the Assembly 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.

7. Other Implications - None

Background Papers Used in the Preparation of the Report: None

List of appendices: None