

## ASSEMBLY

23 FEBRUARY 2011

### REPORT OF THE ACTING CHIEF EXECUTIVE

<b>Title: Appointment of Monitoring Officer</b>	<b>For Decision</b>
<p><b>Summary:</b></p> <p>At its meeting on 25 January 2011 the Cabinet agreed to a pilot under which this Council will second from Thurrock Council, on a part-time basis, their Head of Legal and Democratic Services. This position is held by Tasnim Shawkat. This appointment was confirmed by the Council's JNC Appointments Panel on 14 February 2011. The appointment is dependent on Thurrock Council also agreeing to the arrangement and their Cabinet will be considering the matter at their meeting on 18 February 2011. The outcome will be confirmed at the Assembly meeting.</p> <p>Ms Shawkat will jointly fulfil the role as head of service for both authorities on a shared basis. Her secondment will run from 1 April 2011 until 31 March 2012 and an appropriate agreement will be signed between the two authorities. The situation will be reviewed after six to nine months and a decision made by this Council's Cabinet before the end of 2011 about future arrangements.</p> <p>It is proposed that Ms Shawkat will also fulfil the role of Monitoring Officer during the pilot and it is this aspect which requires the Assembly's decision.</p> <p>The current Monitoring Officer is Nina Clark who will be leaving the authority. Deputy Monitoring Officers for Barking and Dagenham continue to be Winston Brown and Melanie Clay, Legal Partners.</p> <p><b>Wards Affected:</b> None.</p>	
<p><b>Recommendation(s)</b></p> <p>The Assembly is asked to (1) appoint Tasnim Shawkat, Head of Legal and Democratic Services at Thurrock Council, as this Council's Monitoring Officer during the period of her secondment to Barking and Dagenham on a part-time basis from 1 April 2011 to 31 March 2012, and (2) authorise the Acting Chief Executive or his appointee to make any necessary contractual arrangements with Thurrock Council to give effect to the arrangement.</p>	
<p><b>Reason:</b></p> <p>To regularise the statutory position following changes.</p>	
<p><b>Comments of the Chief Financial Officer:</b></p> <p>As reported to the Cabinet, the joint position will save on the costs of the head of service during the pilot allowing the Legal Practice to fund the secondment of a much needed Business Support Manager pending formal restructure of the service.</p>	

**Comments of the Legal Partner:**

1. The appointment of a Monitoring Officer is governed by section 5 Local Government and Housing Act 1989 which obliges a local authority to appoint one of their officers as the authority's Monitoring Officer. It is proposed that the Council appoints Tasnim Shawkat, currently Monitoring Officer (and Head of Legal and Democratic Services) at Thurrock Council, as this Council's Monitoring Officer on a pilot basis during which both Councils would share the Monitoring Officer function with the aim of achieving savings and efficiencies. Under section 113 Local Government Act 1972 a local authority may place the services of one of its officers at the disposal of another authority in which case the relevant officer is deemed to also be an 'officer' of the recipient authority for any of its statutory functions. The authority providing the officer must consult with the officer concerned before exercising the power. Subject to formal approval by their Cabinet, it has been confirmed that Thurrock Council are making Ms Shawkat's services available to the Council on a shared basis pursuant to the power contained in section 113 Local Government Act 1972. As such the Council may in turn appoint Ms. Shawkat to the Monitoring Officer role as she is deemed to also be an officer of this Council for these purposes.

2. Ms. Shawkat's terms and conditions would remain with Thurrock Council but both Councils would wish to be clear as to the terms of her work for both Councils. To this end it is recommended that the Acting Chief Executive or his appointee be authorised to make any necessary contractual arrangements with Thurrock Council regarding the secondment which would also include issues as to shared remuneration.

3. The Monitoring Officer is a statutory function with the role and powers listed in statute and the post holder will assume overall responsibility for advising the Council in relation to legal compliance issues.

**Risk Management:**

There is a risk that the shared role will impact on the needs of each authority in terms of Monitoring Officer capacity but this will be closely monitored during the pilot period and any issues taken into consideration when the situation is reviewed after six/nine months. The Cabinet is scheduled to receive a review report from the Chief Executive and make a decision in December 2011 as to the way forward (i.e whether the piloted sharing of a head of service with Thurrock should be continued on a permanent footing, or whether to revert to a full time post, or indeed any other option).

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**Background Papers Used in the Preparation of the Report:** Report to Cabinet - 25 January 2011.