

Full Council

17 July 2018



Report of:	Selection Committee
Title:	Designation of Monitoring Officer
Ward:	n/a
Councillor Presenting Report:	Chair of Selection Committee
Contact Telephone Number:	(0117) 92 22000

Recommendation

That Quentin Baker is appointed as the Council's Monitoring Officer until such time as a permanent appointment has been made.

Summary

The report seeks the agreement to appoint Quentin Baker as the Council's Monitoring Officer.

The significant issues in the report are:

- The permanent post holder has resigned and an interim appointment has been made pending permanent appointment.
- Permanent recruitment to the role will be completed by 1 August 2018. The permanent appointment will require Full Council approval in September 2018.
- It is unlikely that any successful candidate would be able to join the Council before November 2018.
- The law requires that the appointment or dismissal of the Monitoring Officer be made by a meeting of the Full Council.



Policy

1. The Selection Committee is responsible for recommending the appointment of the Monitoring Officer to Full Council.

Consultation

2. **Internal**
The “Executive Objections Procedure” (Annex 1 to the Officer Employment Rules within the Council’s Constitution) has been followed.
3. **External**
Not applicable.

Context

4. Shahzia Daya the current postholder has resigned and will be leaving the Council on 20th July 2018. The decision was taken to fill the role on an interim basis pending the permanent appointment as part of the senior management recruitment. Permanent recruitment to the post has started and the advert closed Friday 15th June 2018, The Selection Committee is due to meet on 1st August 2018 to make an appointment. The permanent appointment will require Full Council approval in September 2018.
5. The selection committee met on 5th July and are recommending Quentin Baker’s appointment to Monitoring Officer with effect from 21st July 2018.
6. The Council is required to appoint a Monitoring Officer by law.
7. The Monitoring Officer has 3 distinct roles:
 - 7.1. To report on matters he/she believes are, or are likely to be illegal or amount to maladministration;
 - 7.2. To be responsible for matters relating to the conduct of Councillors and Officer; and
 - 7.3. To be responsible for the operation of our Constitution.

Proposal

8. That Quentin Baker is appointed as the Council’s Monitoring Officer until such time as a permanent appointment has been made.

Other Options Considered

9. None.

Risk Assessment

10. The risk of not appointing a Head of Paid Service is that the Council will be in breach of a statutory requirement and that decisions regarding the appointment, management and organisation of staff below deputy chief officer will not be taken.

Public Sector Equality Duties

- 11a) Before making a decision, section 149 Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following “protected characteristics”: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:
- i) Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.
 - ii) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to --
 - remove or minimise disadvantage suffered by persons who share a relevant protected characteristic;
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);
 - encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
 - iii) Foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to –
 - tackle prejudice; and
 - promote understanding.
- 11b) An equality impact assessment has not been undertaken in relation to this proposal because it concerns an individual.

Legal and Resource Implications

Legal

“Section 5 of the Local Government and Housing Act 1989 (as amended) confirms the Council has a duty to appoint a Monitoring Officer. It is within the terms of reference of the Selection Committee to make a recommendation to Full Council for the appointment of a Monitoring Officer. The recommendation in this report complies with the legal requirement.”

Advice provided by Husinara Jones (Solicitor) 4th July 2018

Financial

(a) Revenue

“The financial implications of the Interim Monitoring Officer appointment will be met from within the Resources Directorate 2018/19 budget.”

Advice provided by Kevin Lock (Finance Manager) 4th July 2018

(b) Capital

None.

Land

Not applicable.

Personnel

“The personnel implications of this appointment are set out in the report.”

Advice provided by Mark Williams (Head of HR), 4th July 2018

Appendices:

None.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers:

None.