

# **Cherwell District Council**

## **Council**

**20 May 2020**

### **Appointment of Interim Monitoring Officer**

#### **Report of Chief Executive**

This report is public

#### **Purpose of report**

To appoint a Monitoring Officer on an interim basis in place of Nick Graham, Director Law and Governance, who leaves his employment with Cherwell District Council in June 2020.

#### **1.0 Recommendations**

The meeting is recommended:

- 1.1 To appoint Steve Jordan on an interim basis as the Council's Monitoring Officer with effect from 11 June 2020.

#### **2.0 Introduction**

- 2.1 The Local Government and Housing Act 1989 requires the Council to appoint a Monitoring Officer to be responsible for specified statutory functions.
- 2.2 As the current Monitoring Officer is leaving his employment in June 2020 it is legally necessary for the Council to appoint a replacement before he leaves.

#### **3.0 Report Details**

##### **Monitoring Officer**

- 3.1 Section 5 of the Local Government and Housing Act 1989 requires the Council to designate one of its officers to be the Monitoring Officer. The Monitoring Officer cannot be the Council's Head of Paid Service or its Chief Finance (Section 151) Officer. The Council is obliged to provide the monitoring officer with such staff, accommodation and other resources as he, in his opinion, requires to fulfil his statutory duties.
- 3.2 It is the duty of the Monitoring Officer to prepare a report to full Council or Executive in relation to non-executive and executive functions respectively where he is of the opinion that any proposal, decision or omission by the council has given rise to, or

is likely to or would give rise to a contravention of any enactment or rule of law, or to maladministration. Such a report must be considered by members within 21 days and the implementation of any relevant decision must be held in abeyance until the report is considered.

- 3.3 The Monitoring Officer also has responsibility pursuant to sections 27-34 of the Localism Act 2011 to administer the ethical regime for members of the Council and all parish councillors in the Council's district, as well as acting as the Monitoring Officer for all such parish councils.
- 3.4 In addition the Monitoring Officer, as one of the three statutory officers, has a general role in ensuring and advising on the lawfulness the Council's actions.
- 3.5 The current Monitoring Officer, Nick Graham, Director Law and Governance, is leaving his employment with Cherwell District Council in June 2020. Accordingly, it is necessary for another officer to be designated as Monitoring Officer.
- 3.6 Arrangements have been put in place to recruit Nick Graham's successor. The role will be advertised as the Director of Law & Governance and Monitoring Officer. There will however inevitably be a delay between the successful candidate taking up the role and the departure of Nick Graham; and as an interim measure to cover that period it is proposed that Steve Jorden, Corporate Director of Commercial Development, Assets and Investment, acts as the Council's Monitoring Officer. Steve Jorden will be ably supported by the Deputy Monitoring Officer and the Governance and Elections Manager.
- 3.6 Nick Graham is also Monitoring Officer for Oxfordshire County Council, pursuant to the shared working agreement entered into by the two councils pursuant to section 113 of the Local Government Act 1972. At its Council meeting on 4 May 2020, Oxfordshire County Council resolved to appoint Steve Jorden as its Monitoring Officer on an interim basis.

## **4.0 Conclusion and Reasons for Recommendations**

- 4.1 In accordance with statutory requirements it is recommended that Steve Jorden be appointed as the Council's Monitoring Officer on an interim basis.

## **5.0 Consultation**

- 5.1 None

## **6.0 Alternative Options and Reasons for Rejection**

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: To appoint an alternative officer. This is rejected because Steve Jorden has the necessary skills and experience to fulfil the role.

Option 2: Not to appoint a Monitoring Officer. This is rejected as the Council is legally required to appoint.

## 7.0 Implications

### Financial and Resource Implications

- 7.1 There are no financial implications arising directly from this report. The role of Monitoring Officer is included within the salary budget for the Assistant Director Law and Governance which will remain vacant after the current Monitoring Officer leaves the authority. This budget will be used to compensate the county council for the services of Nick Graham.

Comments checked by: Dominic Oakeshott, Assistant Director Finance (Interim), [dominic.oakeshott@cherwell-dc.gov.uk](mailto:dominic.oakeshott@cherwell-dc.gov.uk)

### Legal Implications

- 7.2 These are set out in the body of the report. It is necessary for full council to approve the appointment of a Monitoring Officer.

Comments checked by: Nick Graham, Director Law and Governance, [nick.graham@cherwell-dc.gov.uk](mailto:nick.graham@cherwell-dc.gov.uk)

## 8.0 Decision Information

### Wards Affected

All.

### Links to Corporate Plan and Policy Framework

Not applicable – this report is made pursuant to a statutory requirement.

### Lead Councillor

Councillor Barry Wood, Leader of the Council.

### Document Information

| Appendix No         | Title  |
|---------------------|--|
| None                |  |
| Background Papers   |  |
| None                |  |
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