

Cherwell District Council

Council

7 September 2020

Appointment of Monitoring Officer

Report of Chief Executive

This report is public

Purpose of report

To appoint a permanent Monitoring Officer following the recruitment process for the vacant Director Law and Governance post.

1.0 Recommendations

The meeting is recommended:

- 1.1 To appoint Anita Bradley as the Council's Monitoring Officer with effect from the date of her taking up the post of Director of Law and Governance.

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 The post of Director of Law & Governance and Monitoring Officer became vacant in June 2020 when the postholder left his employment with the council. Steve Jorden has undertaken the role of Interim Monitoring Officer since that time whilst the recruitment process to the substantive post of Director of Law & Governance was carried out.
- 2.3 At its meeting of 11 August 2020, the Joint Services & Shared Personnel Committee appointed Anita Bradley as the new Director of Law & Governance, which includes the role of Monitoring Officer. This appointment is a joint role across both Cherwell District Council and Oxfordshire County.

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 they, in their opinion, requires to fulfil their 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 they are 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 In light of the previous permanent Monitoring Officer leaving his employment with Cherwell District Council in June 2020, Steve Jorden, Corporate Director of Commercial Development, Assets and Investment, has undertaken the role of Interim Monitoring Officer.
- 3.6 With the appointment of Anita Bradley to the role of Director Law and Governance, it is recommended that Council formally appoint her as the Council's Monitoring Officer, effective the date she starts her employment with the Council.
- 3.7 Anita Bradley has extensive and successful experience as Monitoring Officer at both Cheshire East and Oxford City Councils. Anita is also a very experienced solicitor.
- 3.6 The post is a joint role with 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. Oxfordshire County Council will consider the appointment as its Council meeting on 8 September 2020.

4.0 Conclusion and Reasons for Recommendations

- 4.1 In accordance with statutory requirements it is recommended that Anita Bradley be appointed as the Council's Monitoring Officer with effect from the start of her employment with the Council.

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 Anita Bradley 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 Director Law and Governance.

Comments checked by:

Lorna Baxter, Director of Finance, lorna.baxter@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:

Steve Jorden, Corporate Director Commercial Development Assets & Investment, steve.jorden@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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