

Cherwell District Council

Council

17 October 2022

Appointment of Monitoring Officer

Report of Chief Executive

This report is public

Purpose of report

To appoint a Monitoring Officer following recruitment to the post of Assistant Director Law, Governance and Democratic Services.

1.0 Recommendations

The meeting is recommended:

- 1.1 To appoint Shiraz Sheikh as the Council's Monitoring Officer with effect from 18 October 2022.

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 In light of the decision to end the formal partnership arrangements between Oxfordshire County Council and Cherwell District Council, Shahin Ismail was appointed Interim Monitoring Officer from 9 February 2022 pending recruitment to the post of Assistant Director Law, Governance and Democratic Services.
- 2.3 Following a recruitment process, Shiraz Sheikh was appointed Assistant Director Law, Governance and Democratic Services commencing his employment with Cherwell District Council on 17 October 2022.

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 decision to end the formal partnership between Cherwell District Council and Oxfordshire County Council, Shahin Ismail, Interim Assistant Director Law, Governance and Democratic Services, has undertaken the role of Interim Monitoring Officer.
- 3.6 With the appointment of Shiraz Sheikh to the role of Assistant Director Law, Governance and Democratic Services, it is recommended that Council formally appoint him as the Council's Monitoring Officer, effective from 18 October 2022.
- 3.7 Shiraz Sheikh is a very experienced local authority Deputy Monitoring Officer and senior leader at West Berkshire Council. Shiraz is also a very experienced solicitor.
- 3.8 Subject to his appointment, Shiraz Sheikh will be requested to appoint at least one Deputy Monitoring Officer to act in his absence.

4.0 Conclusion and Reasons for Recommendations

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

5.0 Consultation

- 5.1 Leader of the Council and the Executive – no objections received

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 Shiraz Sheikh has the necessary skills and experience to fulfil the role and was appointed following a rigorous competitive interview process.

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

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, Governance and Democratic Services.

Comments checked by:

Michael Furness, Assistant Director of Finance,
michael.furness@cherwell-dc.gov.uk, 01295 221845

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:

Shahin Ismail, Interim Assistant Director Law, Governance and Democratic Services, shahin.ismail@cherwell-dc.gov.uk

Risk Implications

- 7.3 The council has a statutory duty to appoint a Monitoring Officer. Making the recommended appointment will ensure the council fulfils this duty.

Comments checked by:

Celia Prado-Teeling, Interim Assistant Director Customer Focus,
01295 221556, Celia.prado-teeling@cherwell-dc.gov.uk

Equalities and Inclusion Implications

- 7.4 There are no specific equalities implications arising from this report.

Comments checked by:

Celia Prado-Teeling, Interim Assistant Director Customer Focus,
01295 221556, Celia.prado-teeling@cherwell-dc.gov.uk

8.0 Decision Information

Key Decision

Financial Threshold Met: N/A

Community Impact Threshold Met: N/A

Wards Affected

All

Links to Corporate Plan and Policy Framework

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

Lead Councillor

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

Document Information

Appendix number and title

- None

Background papers

None

Report Author and contact details

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