

Cherwell District Council

Council

7 February 2022

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 Anita Bradley, Director of Law and Governance, in light of the end of formal partnership working arrangements between Cherwell District Council and Oxfordshire County Council.

1.0 Recommendations

The meeting is recommended:

- 1.1 to appoint Shahin Ismail on an interim basis as the Council's Monitoring Officer with effect from 9 February 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 Subject to the decision to serve notice to end the formal partnership arrangements between Oxfordshire County Council and Cherwell District Council, it is necessary for the council to appoint an interim Monitoring Officer.

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 The council's current Monitoring Officer is Anita Bradley. Anita Bradley is an employee of Oxfordshire County Council and the appointment as Cherwell District Council's Monitoring Officer is pursuant to the shared working agreement entered into by Cherwell District Council and Oxfordshire County Council pursuant to section 113 of the Local Government Act 1972.
- 3.6 Subject to the decision to end the section 113 agreement, it is not possible for Anita Bradley to continue as Monitoring Officer for Cherwell District Council. Accordingly it is necessary to appoint an interim Monitoring Officer.
- 3.7 Anita Bradley will continue in her role as Director of Law and Governance across Oxfordshire County Council and Cherwell District Council pending the arrangements for ending the formal partnership and subject to any new management arrangements at Cherwell District Council.
- 3.8 With the support of HR, recruitment for an interim Monitoring Officer has been undertaken and it is recommended that Shahin Ismail be appointed as interim Monitoring Officer.
- 3.9 Shahin Ismail is a very experienced local authority Monitoring Officer and senior leader, with an extensive portfolio of service and corporate transformation delivery. She is also a governance specialist and employment barrister – bringing essential experience to the role at this time.
- 3.10 Subject to her appointment, Shahin Ismail will be requested to appoint at least one Deputy Monitoring Officer to act in her 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 Shahin Ismail 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 to the statutory post

7.0 Implications

Financial and Resource Implications

- 7.1 The costs of appointing an interim Monitoring Officer can be met within existing budgets.

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:

Anita Bradley, Director of Law and Governance, anita.bradley@cherwell-dc.gov.uk

Risk Implications

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

Comments checked by:

Louise Tustian, Head of Insight and Corporate Programmes 01295 221786
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Equalities and Inclusion Implications

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

Comments checked by:

Emily Schofield, Acting Head of Strategy, emily.schofield@cherwell-dc.gov.uk,
07881 311707

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

Councillor Barry Wood, Leader of the Council

Document Information

Appendix number and title

- None

Background papers

None

Report Author and contact details

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