

SLOUGH BOROUGH COUNCIL

REPORT TO: Council

DATE: 19th May 2011

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WARD(S): All

PART I **FOR DECISION**

APPOINTMENT OF MONITORING OFFICER

1 Purpose of Report

This report recommends the appointment of the Assistant Director of Professional Services, Kevin Gordon to the role of council monitoring officer from 19th May 2011. This arrangement follows the deletion of the previous role of Borough Secretary and Solicitor and Deputy and make arrangements for the new roles of Monitoring Officer and Head of Legal Services as agreed within the Senior Management Restructure

The report also summarises some general improvements to the Monitoring Officer function.

2 Recommendation(s)/Proposed Action

The Council is recommended to:

- (1) Resolve that the Monitoring Officer role be undertaken by the Assistant Director Professional Services, supported by the Head of Legal Services and the Deputy Borough Secretary as deputies.
- (2) Note that minor changes to the constitution will be made to reflect the new arrangements.
- (3) Note the supporting arrangements and suggested improvements to the Monitoring Officer functions.

3 Community Strategy Priorities

The Monitoring Officer, along with the Head of Paid Service and the Section 151 Officer combine to form the Council's Statutory Officer functions. These roles are key to ensuring lawfulness, fairness, probity and general good governance that support the council in achieving its aims. It is important that they work effectively together yet maintain appropriate independence and that the roles are undertaken by adequately skilled and experienced staff supported by appropriate resources.

4 **Other Implications**

(a) Financial

The Monitoring Officer role attracts an additional annual allowance for which provision is made within the Democratic Services budget and was taken into account in the costs of the management restructure.

(b) Human Rights Act and Other Legal Implications

The appointment of a Monitoring Officer is a statutory requirement under Section 5, Local Government & Housing Act 1989.

4 **Supporting Information**

The Council's Monitoring Officer has a number of functions which are defined within Article 13 of the Council's constitution. These include; ensuring lawfulness and fairness of decision making, supporting the Standards Committee, receiving reports, conducting investigations, ensuring access to information, advising whether executive decisions are within the budget and policy framework and maintaining the constitution.

Following the Senior Management Restructure these functions are to be undertaken by the Assistant Director Professional Services, whose line management accountabilities include Democratic and Legal Services. The Assistant Director will be supported to carry out the role by the new position of Head of Legal Services and the existing Deputy Borough Secretary role.

There is no statutory requirement for the Monitoring Officer to be legally qualified. It is important that the Monitoring Officer has the knowledge, training, support and systems to deploy appropriate judgement and to fulfil their role robustly and independently. It is also important that they have sufficient status in the organisation and independent access to Members, the Chief Executive and the management team to be able to exert suitable authority. Members and the District Auditor need to have confidence in this approach. To ensure that the new arrangement works well the following will be put in place or reviewed:

- A Monitoring Officer Protocol which will include clarity of access to Members, the Chief Executive and CMT.
- Greater formality of the regular statutory officer meetings between the Head of Paid Service, the Section 151 Officer and the Monitoring Officer.
- Development, mentoring and networking programme for the Monitoring Officer.
- Clarity in the roles, responsibilities and reporting lines of the Monitoring Officer and the two deputy roles.
- Periodic review of the above practice and effectiveness of and performance in the role.

As part of the appointment process, officers have also taken the opportunity to review the effectiveness of the arrangements that support the successful execution of the role. Areas that would benefit from further examination and improvements throughout the year include:

- More effective ways to communicate and promote expectations around high standards of personal behaviour, through the Standards Committee.
- System and timetables for approval and dispatch of reports are strengthened.

6 **Conclusion**

The role of the Monitoring Officer is an important element in the Council's structure and processes. The arrangements outlined in this paper will ensure that the functions continue to be discharged appropriately, including improvements where necessary.

7 **Background Papers**

None