

Report Reference Number: C/18/12

To: Council
Date: 21 February 2019
Ward(s) Affected: All
Author: Palbinder Mann, Democratic Services Manager
Lead Executive Member: Councillor Mark Crane, Leader of the Council
Lead Officer: Janet Waggott, Chief Executive

Title: Appointment of the Monitoring Officer

Summary:

Under section 5 of the Local Government and Housing Act 1989, the Council is legally required to appoint a Monitoring Officer and under the Council's Constitution, this decision must be taken by Full Council.

The vacancy of Solicitor to the Council and Monitoring Officer offers the opportunity to reflect on the structure of the Council and the options available to undertake the roles in the future. Recruitment will take place later in the year and it is therefore recommended that the Council appoint Bernice Elgot as the Council's Monitoring Officer on an interim basis.

Recommendations:

To appoint Bernice Elgot as the Council's Monitoring Officer.

Reasons for recommendation

To ensure that the Council appoints a Monitoring Officer as per section 5 of the Local Government and Housing Act 1989.

1. Introduction and background

- 1.1 Under section 5 of the Local Government and Housing Act 1989, the Council is legally required to appoint a Monitoring Officer and under the Council's Constitution, this decision must be taken by Full Council.
- 1.2 Since the departure of the former Solicitor to the Council at the end of December 2018, the duties of the monitoring officer have been undertaken by the Deputy Monitoring Officer.

- 1.3 A Monitoring Officer is required in the interim until permanent arrangements are made.
- 1.4 The Council has approached Bernice Elgot, an experienced local government solicitor to be appointed as the Council's Monitoring Officer on an interim basis, for a period of up to 6 months. Bernice has been Chief Solicitor and deputy Monitoring Officer at Harrogate Borough Council since June 2014 and has worked as a senior solicitor for Harrogate (1995-2002), Bradford Metropolitan District Council and Rochdale Council. She is also a part-time tribunal judge

2. The Report

- 2.1 Following the departure of the previous post holder there is a vacancy for a Solicitor to the Council and the Monitoring Officer. The vacancy offers the opportunity to reflect on the roles and responsibilities of the posts. The Head of Paid service has decided to take some time to consider the options available and therefore recommends making an interim appointment to the post of Council Solicitor and Monitoring Officer for a period of up to 6 months.
- 2.2 The Monitoring Officer is required to undertake a number of statutory responsibilities for the Council as outlined under section 11.6 of part two of the Constitution.
- 2.3 Bernice Elgot has recently retired as the Chief Solicitor for Harrogate Borough Council and is therefore available for a short term appointment..

3. Implications

3.1 Legal Implications

The Council is required by statute to employ suitably qualified individuals as Head of Paid Service, Section 151 Officer (Chief Finance Officer and Monitoring Officer). The proposed appointment meets those requirements.

4.2 Financial Implications

The proposed appointment of Bernice Elgot as Monitoring Officer will be contained within existing budgets.

4.3 Policy and Risk Implications

None

4.4 Corporate Plan Implications

None

4.5 Resource Implications

None

4.6 Other Implications

None

4.7 Equalities Impact Assessment

None

5. Conclusion

The Council is asked to appoint Bernice Elgot as the Council's Monitoring Officer on an interim basis.

6. Background Documents

None

7. Appendices

None

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