

REPORT TO: Council

20 February 2020

LEAD OFFICER: Liz Watts, Chief Executive

Appointment of Monitoring Officer

Executive Summary

1. This report sets out the proposal by the Chief Executive for the appointment of the Monitoring Officer at South Cambridgeshire District Council.

Recommendations

2. It is recommended that Council appoint Rory McKenna as this authority's Monitoring Officer.

Reasons for Recommendations

3. The Local Government & Housing Act 1989 requires every local authority to designate one of its senior officers as the Monitoring Officer. It is felt necessary to make the change to reflect the operational position which has been effective on the ground since September 2016.

Details

4. The Monitoring Officer has the specific duty to ensure that the Council, its Officers, and its Elected Councillors, maintain the highest standards of conduct in all they do. The main duties of the Monitoring Officer are set out below. The Monitoring Officers' legal basis is found in Section 5 of the Local Government and Housing Act 1989, as amended by Schedule 5 paragraph 24 of the Local Government Act 2000.
5. The Monitoring Officer's main roles include:
 - ensuring that the Council acts and operates within the law. They have a duty to report to the whole Council if the Council has broken or may have broken the law.
 - arrangements to support the Council's functions and activities including regular reviews of the Council's Constitution.
 - supporting the Council's Civic Affairs Committee and helping promote and maintain high standards of conduct by Council members, officers, partners and contractors. Establishing and maintaining a register of interests for elected and co-opted members, including Parish Councillors. The Monitoring Officer

also receives complaints about the conduct of District and Parish Councillors and handles them alongside the Council's Independent Person.

- implementation of the Council's policies which support whistleblowing by staff.
 - the Monitoring Officer is allocated as the Council's proper officer for Access to Information.
6. In South Cambridgeshire the role has been formally undertaken by Tom Lewis, the Head of Legal Practice (3C Shared Services Legal Practice) since 2016. However, with the recent changes to the senior management structure it is an appropriate time to make the change to reflect the operational position which is in place, meaning that Rory McKenna, currently Deputy Monitoring Officer, will become South Cambridgeshire District Council's Monitoring Officer.
7. Rory McKenna joined the 3C Shared Services Legal Practice in August 2016 and also acts as the Deputy Head of Legal Practice. Rory has worked in local government since 2004 advising on a wide variety of legal areas including administrative and constitutional law, planning and litigation. Prior to entering local government Rory worked in private legal practice in Belfast.
8. The Employment and Staffing Committee unanimously recommended that Council agree this appointment at its meeting on Thursday 23 January 2020.

Options

9. **Do nothing.** This option is not considered appropriate as it does not reflect the operational position on the ground.
10. **Appoint another Monitoring Officer.** The proposed officer will provide continuity of service to members and the Senior Management team and it is not necessary to look externally to fill the position.

Implications

11. In the writing of this report, taking into account financial, legal, staffing, risk, equality and diversity, climate change, and any other key issues, the following implications have been considered:-

Financial

12. There are no financial implications to the Council on this appointment.

Legal

13. The Local Government and Housing Act 1989, requires all local authorities to appoint a Monitoring Officer.
14. The appointment of the Monitoring Officer requires the confirmation of full council.
15. The Council has a duty to provide the Monitoring Officer with the resources required to

perform his statutory functions

Staffing

16. There are no staffing implications to the Council on this appointment.

Risks/Opportunities

17. This is seen as an opportunity to promote internally.

Equality and Diversity

18. None

Climate Change

19. None

Effect on Council Priority Areas

20. The appointment will enable the Council to deliver efficiently and effectively on the council's priority areas.

Background Papers

None

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