

REPORT TO: Council

30 March 2023

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:
 - a. appoint John Murphy as this authority's Monitoring Officer from 22nd May 2023.
 - b. Note that in the intervening period between the departure of the current Monitoring Officer (31st March 2023) and arrival of the new Monitoring Officer, the role will be covered by Tom Lewis, Head of 3C Legal Shared Service.

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.

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 Officer's 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. The current Monitoring Officer, Rory McKenna, is leaving the Council on the 31st March 2023.
 7. The Officer Employment Procedure Rules state that full Council shall approve the appointment of the Monitoring Officer following the recommendation of such appointment by the Employment and Staffing Committee or a panel of the committee.
 8. Accordingly, a Senior Officers' Appointment Panel of the Employment and Staffing Committee was established comprising of Cllrs Jackson-Wood, Stobart, H Williams, Fane, Smith and Sandforth, to undertake interviews and recommend an appointee to the Council.
 9. Interviews took place at South Cambs Hall on 1st and 2nd February. The panel unanimously recommended to the Council that John Murphy, who is currently Deputy Solicitor to the Council & Deputy Monitoring Officer at Central Bedfordshire Council, be appointed as the Council's Monitoring Officer with effect from 8th May 2023. John Murphy's CV can be found at Appendix 1.

Options

10. **Appoint another Monitoring Officer.** The proposed appointment will provide the necessary service to members and the Leadership Team and it is not necessary to look externally again to fill the position as a suitable candidate has been found.

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:-

Legal

12. The Local Government and Housing Act 1989, requires all local authorities to appoint a Monitoring Officer.
13. The appointment of the Monitoring Officer requires the confirmation of full council.

Effect on Council Priority Areas

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

Appendices

Appendix 1: John Murphy CV

Background Papers

None

Report Author:

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John Murphy – Summary CV

Employment

2001 -2006	Solicitor	George Green LLP (employment law)
2006 -2010	Associate Solicitor	BPE Solicitors LLP, Cheltenham (emp law)
2010 -2012	Senior Associate Solicitor	Clarke Willmott LLP (Head of Employment law team Birmingham office)
2012 -2014	Senior Solicitor	Plexus Law LLP (employment law)
2014 – 2020	Senior Solicitor	Birmingham City Council 2014-17 - Employment lawyer 2018-20 Whistleblowing & Serious Complaints lawyer
2020	Senior Solicitor (4-mth contract)	Gambling Commission
	Senior Solicitor (2 mth contract)	Dudley MBC
2020 - 2022	Governance Solicitor	West Northampton Council
2022 - present	Deputy Solicitor to the Council & Deputy Monitoring Officer	Central Bedfordshire Council

Study

University of Liverpool	1991-1994	Law LLB	2:1
University of Law (Chester)	1996-1997	Legal Practice Course	Pass
University of Leicester	2003-2005	Diploma in Employment Law & Industrial Relations	Pass
Law Society	2019-2020	Diploma in Local Government Studies	Distinction
British Computing Society	2020	Data Protection Practitioner Certificate	Pass (65%)
Institute of Licensing	2020	Professional Licensing Practitioner's Certificate	Pass (85%)