

## **Report to Council**

21 June 2017

By the Chief Executive

**DECISION REQUIRED**



**Horsham  
District  
Council**

Not Exempt

### **Appointment of Interim Monitoring Officer**

#### **Executive Summary**

This report seeks Council approval for the appointment of Crawley Borough Council's Monitoring Officer, Ann-Maria Brown, as this Council's Monitoring Officer on an interim basis following the departure of Paul Cummins, our Head of Legal and Democratic Services and pending the future appointment of a permanent replacement as Monitoring Officer.

#### **Recommendations**

Council is recommended:

- i) to appoint Ann-Maria Brown, an employee of Crawley Borough Council, as its interim Monitoring Officer with effect from 1 July 2017

#### **Reasons for Recommendations**

The Council must have a Monitoring Officer at all times. The current Monitoring Officer has resigned and will leave the Council on 30 June 2017. Crawley Borough Council has agreed to allow its Monitoring Officer to act in that capacity also for our Council on an interim basis pending the appointment of a permanent Monitoring Officer.

#### **Background Papers**

None

**Wards affected:** all

Jane Eaton, Director of Corporate Resources, 01403 215300

## **Background Information**

### **1 Introduction and Background**

- 1.1 The role of Monitoring Officer is a requirement of the Local Government & Housing Act 1989 and its duties are outlined in paragraph 3.5.3 of the Council's Constitution. In summary the officer is responsible for ensuring the legality and probity of all Council actions and decisions.
- 1.2 The Council's current Monitoring Officer, Paul Cummins, leaves the Council on 30 June 2017.
- 1.3 It is now necessary to put in place a temporary Monitoring Officer arrangement from 1 July 2017.

### **2 Relevant Council policy**

- 2.1 This report supports the Corporate Plan objective of securing value for money from all Council services by allowing the Head of Paid Service time to reflect on the most cost effective and efficient way to provide the Monitoring Officer role.

### **3 Details**

- 3.1 The Chief Executive, as Head of Paid Service, has commissioned consultants to carry out a review of Legal and Democratic Services to inform his decision on the future organisation of those functions and to identify the post to which to allocate the Monitoring Officer role in future.
- 3.2 Following a review of various interim solutions it is proposed to appoint the Monitoring Officer from Crawley Borough Council to act as the Horsham District Council Monitoring Officer until a decision is made on the permanent arrangement.

### **4 Next Steps**

- 4.1 The Head of Paid Service will receive his report on Legal and Democratic Services in mid-July and, following staff consultations on whatever changes to the organisation of these functions might be proposed, a report on the Monitoring Officer appointment will be submitted to Council.

### **5 Outcome of Consultations**

- 5.1 The Acting Chief Executive and Monitoring Officer of Crawley Borough Council have been consulted.
- 5.2 The Director of Corporate Resources has commented on the financial implications of the change and the Head of Human Resources on the employment implications.

## **6 Other Courses of Action Considered but Rejected**

- 6.1 The Chief Executive and Director of Corporate Resources considered whether to appoint an interim Head of Legal and Democratic Services to carry out the review and take the Monitoring Officer role. They rejected this option because of the high cost and scarcity of senior interim lawyers in local government.

## **7 Resource Consequences**

- 7.1 Payments to Crawley Borough Council for their Monitoring Officer and temporary backfill arrangements to support the role will be containable within the budgeted costs for the role of Head of Legal and Democratic Services.

## **8 Legal Consequences**

- 8.1 S113 of the Local Government Act 1972 allows the sharing of Council staff between authorities. Under those provisions an officer of Crawley Borough Council is treated as an employee of Horsham for the purposes of the discharge of Horsham's functions.

## **9 Risk Assessment**

- 9.1 In appointing a part-time Monitoring Officer based in another location the Council's officers and members will not have immediate on site access to advice, and there is some risk of delays in completing standards investigations. The Director of Corporate Resources will put in place extra resources to support the Monitoring Officer to minimise any delays.

## **10 Other Considerations**

- 10.1 There are no Crime & Disorder; Human Rights; Equality & Diversity and Sustainability issues arising from this report.