

Body: Council
Date: 27 May 2015
Subject: Appointment of Monitoring Officer
Report of: Chief Executive

Ward(s): All

Purpose: To propose an appointment to the statutory post of monitoring officer for Eastbourne Borough Council.

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Recommendations: **That the designation of monitoring officer be held by Peter Finnis, the Council's Senior Head of Corporate Development and Governance.**

1.0 Introduction

1.1 Local Authorities are required by legislation to employ three statutory posts. These are Head of Paid Service, Section 151 Officer and Monitoring Officer. Until recently, the post of monitoring officer was held in a job share by the Lawyer to the Council, the officers being Alice Rowland and Victoria Simpson. Following the recent departure of both these officers, it is necessary for the Council to approve the appointment of an officer to this post.

2.0 Monitoring Officer Functions

2.1 The primary duty of the monitoring officer is to ensure that the Council, its elected members, and its officers, maintain the highest standards in all that they do. The legal basis for the role is found in Section 5 of the Local Government and Housing Act 1989 as amended by Section 5, Paragraph 24 of the Local Government Act 2000. The main responsibilities are:

- (1) A duty to report to the Council and the Cabinet in any case where he/she is of the opinion that any proposal, decision or omission is or is likely to be illegal or constitute maladministration.
- (2) A range of functions relating to the conduct of councillors and officers (for instance, maintain the Members' Register of Interests).
- (3) Specific functions under the Council's constitution (for example monitoring the operation of Council and committee meetings).

2.2 Proposed New Arrangements

2.2.1 Members will be aware that we have agreed to shared-service arrangements with Lewes District Council with legal services now being provided by Lewes

for both authorities. Because of this and the vacancy in the monitoring officer role, it is prudent to review how this function is best delivered.

- 2.2.2 Given the nature of the monitoring officer functions, it is felt that this should be a post retained in-house at Eastbourne as opposed to being part of the shared service arrangement, and it should also be a post held by a senior member of staff who is part of the corporate management team.

2.3 Proposed Appointment

- 2.3.1 It is proposed that the designation of monitoring officer be given to Peter Finnis, Senior Head of Corporate Development and Governance. This is considered a suitable appointment as the officer concerned has over 30 years experience in democracy and governance matters at Eastbourne Borough Council.

2.3 Working Arrangements

- 2.3.1 The Monitoring Officer is able to call upon internal and, where necessary, external research and support in discharging these functions. He/she may also appoint an internal deputy. Further, as part of the shared service arrangements, any specific legal advice and input required by the monitoring officer will be available from within the legal service provided by Lewes.

3.0 Consultation

- 3.1 The principle of making this appointment was raised with the member panel as part of the recent recruitment of the new corporate management team. However, as this is a statutory appointment, it requires a resolution of the full Council.

4.0 Implications

- 4.1 There are no relevant implications to report in respect of this matter.

Robert Cottrill
Chief Executive

Background Papers:

None.

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