



Council - 14 October 2019

Appointment of new Monitoring Officer

Purpose of report

To propose the appointment of a new Monitoring Officer for the Council.

Attachments - none

1.0 Background

- 1.1 Since the last meeting of Council on 22 July 2019, the Council's Monitoring Officer, Sharn Matthews, has retired from the role.
- 1.2 At that Council meeting it was agreed to delegate the role of Monitoring Officer to Kettering Borough Council (KBC) under Section 113 of the Local Government Act 1972 from such time as the appointment to the role of Head of Legal Services Group for North Northamptonshire at KBC was made.
- 1.3 In August an Interim Monitoring Officer was appointed for two days a week until a permanent Monitoring Officer is appointed. The recruitment process for a Head of Legal Services Group (job title subsequently changed to Chief Legal Officer), employed by KBC and which includes the role of MO for East Northamptonshire Council, has now taken place. The role covers responsibilities across Kettering BC, BC of Wellingborough and this Council, and the appointment process was conducted jointly by the three councils. The Appointment Panel agreed unanimously to offer the role to Mr Bhupinder Gill, who is a qualified lawyer with extensive local government experience.
- 1.4 Mr Gill has been offered and accepted this position with an anticipated start date to be confirmed. This is likely to be late October/early November 2019. The Interim Monitoring Officer will continue in post until such time as Mr Gill takes up his appointment.

2.0 Equality and Diversity Implications

- 2.1 An initial Equality Impact Assessment (EIA) was carried out prior to the last meeting of Council and all equality and diversity implications are neutral. Neither a positive nor a negative impact has been identified. The initial EIA can be accessed as a background document to the previous report to Council.
- 2.2 The appropriate processes were applied by KBC, as the employing authority, to ensure that equalities legislation was complied with during the recruitment.

3.0 Privacy Impact Implications

- 3.1 A Privacy Impact Assessment is not required as the proposal does not involve the use of personal data or relate to an activity which could have an impact on the privacy of an individual.

4.0 Legal Implications

- 4.1 Under the general power contained in Section 113 of the Local Government Act 1972, a local authority can put its officers at the disposal of another local authority, and those officers are able to make delegated decisions on behalf of that authority, despite remaining an employee of the first authority for salary purposes. This proposal to delegate the MO role to another council required Council approval, which was given at the 22 July meeting.
- 4.2 This post will hold the designated Monitoring Officer role as required under Section 5 of the Local Government and Housing Act 1989.

5.0 Risk Management

- 5.1 The main risk to which this proposal refers is RMCORP012 – Risk of unitary preparation diverting resources from delivery of Corporate/Efficiency Plans. Given the amount of work that will be required over the next 18 months to deliver the unitary transformation programme while maintaining business as usual, the ED/MO role needs to be filled.

6.0 Resource and Financial Implications

- 6.1 As the Chief Legal Officer role will operate across BCW, ENC and KBC, the costs will be shared between the three District and Borough Councils. The split of costs has yet to be determined but the intention is to fill the role within existing budgets so there will be no requirement for additional funding. The short-term financial implication is that there will be a salary saving in 2019/20 due to the gap between the current post-holder leaving and their replacement being appointed.

7.0 Constitutional Implications

- 7.1 The process for the recruitment of this Council's Monitoring Officer (along with the other statutory officers) is specified in Part 4.7 of the Constitution. As the recruitment process was led externally by KBC, the Constitution requires full council to approve their appointment as new Monitoring Officer.

8.0 Implications for our Customers

- 8.1 There will be no impact on customers and customer service. However, the previous Executive Director/MO role provided an important link with Town and Parish Councils and we will ensure that this link is maintained during the transition to the new unitary council.

9.0 Corporate Outcomes

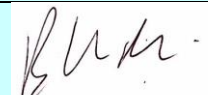
- 9.1 The main Corporate Outcomes to which this proposal contributes are:
- Effective Management – ensuring that the Council has the right senior management capacity and that the statutory role of Monitoring Officer is provided for the period between now and the unitary Vesting Day of 1st April 2021.
 - Effective Partnership Working - working with Borough Council partners in North Northamptonshire to deliver a mutually beneficial solution that enhances the skills and capacity of the management teams across the unitary area.

10.0 Recommendation

10.1 Council is recommended to:

- a) formally approve the appointment of Bhupinder Gill as the Council's new Monitoring Officer; and
- b) delegate authority to the Chief Executive, following consultation with the Leader of the Council, to agree his starting date in the role.

[Reason: To ensure that the Council has the right senior management capacity and that the statutory role of Monitoring Officer is provided for the period between now and the unitary Vesting Day of 1st April 2021]

Legal	Power: Section 5 of the Local Government and Housing Act 1989, as amended by Schedule 5 of the Local Government Act 2000. Section 113 of the Local Government Act 1972				
	Other considerations:				
Background Papers: Equality Impact Assessment					
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Date: 3 October 2019					
CFO		MO 3/10/19		CX 3/10/19	