

Full Council 25th January 2024

Report Title	Appointment of Interim Monitoring Officer
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Are there public sector equality duty implications?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information (whether in appendices or not)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Applicable paragraph number/s for exemption from publication under Schedule 12A Local Government Act 1972	
Which Corporate Plan priority does the report most closely align with? Our priorities for the future North Northamptonshire Council (northnorthants.gov.uk)	Modern public services

List of Appendices

None.

1. Purpose of Report

- 1.1 The purpose of this report is to seek the agreement of Council to appoint Sanjit Sull, as the Council’s Interim Monitoring Officer; and note the proposed interim arrangements for the remaining duties of the Executive Director of Customer and Governance role.

2 Executive Summary

- 2.1 Following the appointment of Adele Wylie as Chief Executive and Head of Paid Service, Council needs to designate the role of Monitoring Officer under Section 5 of the Local Government and Housing Act 1989.
- 2.2 This report details the proposed interim arrangements to ensure that the Council complies with its statutory and legal obligations.

3 Recommendations

3.1 It is recommended that Council:

- a) Appoints Sanjit Sull as Interim Monitoring Officer with effect from 27th January 2024, pending the permanent appointment to the role.

Reasons for Recommendations

3.2 It is a requirement in law that the Council has a designated Monitoring Officer and the recommendations within this report ensure that the Council continues to comply with its statutory and legal obligations.

Alternative Options Considered

3.3 Under the Local Government & Housing Act 1988, Section 5, authorities are required to appoint one of its officers as its Monitoring Officer, to ensure legal and fair decision making; promote and maintain high standards of conduct; report any instances of maladministration; and review the Council's Constitution.

3.4 The Council could decide to appoint a suitably qualified interim/consultant to fulfil the Monitoring Officer role and cover the duties of the Executive Director of Customer and Governance, however, the recommended option will ensure stability, continuity and will be the most cost-effective solution.

4 Report Background

4.1 Adele Wylie, the current Executive Director of Customer and Governance and Monitoring Officer will take up her new role as the Chief Executive and Head of Paid service on 27th January 2024.

4.2 Adele was appointed as Monitoring Officer in 2020 by the Shadow Authority and has been designated in this role since then. To ensure that the Council is legally compliant, it is necessary to appoint a Monitoring Officer on an interim basis, pending a permanent appointment.

4.3 It is a legislative requirement under Section 5 of the Local Government & Housing Act 1988, for the Council to appoint a Monitoring Officer. There is a restriction on the Monitoring Officer being the Head of Paid Service or the Chief Finance Officer to ensure good governance.

4.4 The Monitoring Officer has three main roles:

4.4.1 to report on matters he or she believes are, or are likely to be, illegal or amount to maladministration;

4.4.2 to be responsible for matters relating to the conduct of councillors and officers; and

4.4.3 to be responsible for the operation of the Council's Constitution.

5 Issues and Choices

- 5.1 The Council could choose to cover the statutory designation with an internal officer or alternatively it could procure the services of an external consultant.
- 5.2 The Constitution provides that the designation of Monitoring Officer is a matter reserved to Council and therefore formal approval of the interim appointment must be determined by Council.
- 5.3 Sanjit Sull is currently the Assistant Director of Legal and Democratic and appointed Deputy Monitoring Officer. Sanjit is an experienced lawyer and was the Monitoring Officer at her previous authority. Sanjit has undertaken a number of LGA Peer Reviews throughout the country as the governance lead and therefore brings a wealth of experience and expertise to the Council. She has been supporting the Monitoring Officer since June 2022.
- 5.4 Considering the experience that already exists in house and the benefits that will come from having an internal officer who already understands the organisations context and matters that are ongoing, it is recommended that the Council appoint Sanjit Sull on an interim basis as Monitoring Officer. This will ensure continuity and stability and is the most cost-effective option.
- 5.5 The Monitoring Officer will report into the Chief Executive and will be a member of the Corporate Leadership Team.
- 5.6 If approved, an additional responsibility allowance of £16,622 will be paid to the Assistant Director of Legal & Democratic in respect of undertaking the Monitoring Officer duties and the temporarily line management of additional services comprising of Registrations (including proper officer designation), Senior Information Risk Owner and Electoral Services. The additional payment is commensurate with the NNC Corporate Director salary range detailed in the Council's agreed pay policy, £109,672.
- 5.7 The incoming Chief Executive has determined that the Executive Director of Customer and Governance role will not be recruited to whilst a review of the senior structure is considered. The leadership of services within the Customer and Governance directorate will be undertaken on an interim basis by the Assistant Chief Executive and the Monitoring Officer (as outlined above). Customer Services and Human Resources will fall under the Assistant Chief Executive.

6 Next Steps

- 6.1 If approved the interim arrangements will be implemented.

7 Implications (including financial implications)

7.1 Resources and Financial

7.1.1 The costs of the interim arrangements will be met from the existing budget for the Executive Director Customer and Governance post.

7.2 Legal and Governance

7.2.1 The Council must ensure that the appointment of statutory roles is managed in accordance with the Constitution. The recommendations proposed in this report will ensure that the correct process is followed.

7.2.3 The appointment of the Monitoring Officer, as a statutory role is reserved to Council.

7.3 Relevant Policies and Plans

7.3.1 The post of Monitoring Officer is key to the Council delivering its corporate and objectives and ensuring legal compliance.

7.4 Risk

7.4.1 This interim appointment mitigates the risk of the authority being without a Monitoring Officer and legal cover. As a qualified lawyer, the Assistant Director of Legal & Democratic is considered to be the most suitable internal candidate to fulfil the interim Monitoring Officer appointment.

7.4.2 There are no further risks to consider arising from the proposed recommendations in this report.

7.5 Consultation

7.5.1 None required.

7.6 Consideration by Executive Advisory Panel

7.6.1 Not applicable

7.7 Consideration by Scrutiny

7.7.1 Not applicable

7.8 Equality Implications

7.8.1 A fair and transparent process has been completed, in accordance with the Council's values and behaviours and diversity and inclusion policies.

7.9 Climate Impact

7.9.1 Not applicable.

7.10 Community Impact

7.10.1 Not applicable

7.11 **Crime and Disorder Impact**

7.11.1 Not applicable

8 Background Papers

8.1 Constitution of North Northamptonshire Council ([link to website](#))