

COUNCIL

11 October 2021

APPOINTMENT OF MONITORING OFFICER

Report of the Chief Executive

Strategic Aim:	All	
Exempt Information	No	
Cabinet Member(s) Responsible:	Mr O Hemsley, Leader and Portfolio Holder for Policy, Strategy and Partnerships, Economy and Infrastructure	
Contact Officer(s):	Mark Andrews, Chief Executive	01572 758339 mandrews@rutland.gov.uk
Ward Councillors	N/A	

DECISION RECOMMENDATIONS

That Council

- 1) Appoints Marie Rosenthal as the Council's Interim Monitoring Officer from 12th October until such time as a permanent appointment has been made.
- 2) Note the financial pressure of c£35k which the Resources Directorate will aim to manage within its current budget.

1 PURPOSE OF THE REPORT

- 1.1 To seek the agreement of Council to appoint Ms Marie Rosenthal as the Council's Interim Monitoring Officer.

2 BACKGROUND AND MAIN CONSIDERATIONS

2.1 Overview

- 2.1.1 Mr Philip Horsfield, the current Monitoring Officer has resigned and will be leaving the Council on 7th November 2021. The decision was taken to fill the role on an interim basis pending a permanent appointment to minimise the risk of Council not having a Monitoring Officer.

- 2.1.2 Permanent recruitment to the post will start in early 2022 allowing the new Monitoring Officer some time to assess current arrangements whilst also giving us the opportunity to review the Governance and Legal service. Members will be advised of the timetable in due course.
- 2.1.3 The Chief Executive, following consultation with the Group Leaders is recommending that Ms Rosenthal is appointed to the role with effect from 12th October. Ms Rosenthal has been working in local government since 1990. She is a qualified legal professional and held a number of permanent roles at Director level at unitary authorities up to 2017. In some of those roles she has been Monitoring Officer and has been responsible for a range of corporate services from legal, democratic services, governance, audit, property, HR and procurement. From 2017 she has had various senior interim roles where she has covered the Monitoring Officer post and has delivered a range of governance and leadership arrangements.
- 2.1.4 Ms Rosenthal will be appointed for an initial period of 9 months and will work 4 days per week. Ms Rosenthal will be supported by Sarah Khawaja as Deputy Monitoring Officer.

3 CONSULTATION

- 3.1 No formal consultation is required.

4 ALTERNATIVE OPTIONS

- 4.1 At this stage, there are no viable alternative options. The Council originally considered moving straight to a permanent appointment but the risk of failing to appoint in the current market alongside the ability to appoint quickly (in time for the 7th November) meant that the Council could not guarantee the management of these risks. Failure to appoint a Monitoring Officer would leave the Council unable to meet its statutory duties.
- 4.2 The Council therefore sought Interim support. The Interim market is buoyant but challenging. Longer term assignments are attractive and the Council was advised that any assignment of less than 6 months would not attract suitable candidates.

5 FINANCIAL IMPLICATIONS

- 5.1 The Council has assessed that the financial pressure will be c£35k. The Resources Directorate will aim to manage this pressure within its current budget.

6 LEGAL AND GOVERNANCE CONSIDERATIONS

- 6.1 Section 5(1)(a) of the Local Government & Housing Act 1989 states that:

"It shall be the duty of every relevant authority to - designate one of their officers (to be known as "the monitoring officer") as the officer responsible for the duties imposed by this section"

- 6.2 This power may only be exercised by the Full Council as a matter of Law.

- 6.3 As with other Statutory Officers it is advisable (although not a legal requirement) to ensure that Councillors across the political spectrum are supportive of the appointment (in addition to the requirement above). The Constitution provides for

this as Section 3 Paragraph 8.1 states that appointments to Chief Officer posts should be done via a panel consisting of “three members of the committee plus the relevant Cabinet Member” and that political balance applies to the panel.”

6.4 The Constitution also states at Section 3 paragraph 1.2 that:

“1.2 Any arrangements made by the Council or Cabinet for the discharge of functions by a Committee, Sub-Committee or Officer shall not prevent the Council or Cabinet by whom such arrangements were made from exercising those functions, subject to Procedure Rule 110 (Referral of Decisions) or the provisions for the call-in of decisions in the Constitution and the Council’s Procedure Rules.”

6.5 The effect of the above provisions means that the process for the Monitoring Officer appointment may follow 1 of 2 routes:

- 1) Through an appointments Committee to recommend to Council the appointment (Para 8.1 of the Constitution);
- 2) Directly through Council arising from a report. (Paragraph 1.2 of the Constitution)

6.5.1 As explained in para 2.3.1, the Chief Executive has consulted with the Group Leaders prior to this report being submitted.

7 EQUALITY IMPACT ASSESSMENT

7.1 An Equality Impact Assessment (EqIA) has not been completed for the following as this report does not impact on Council policies and procedures.

8 COMMUNITY SAFETY IMPLICATIONS

8.1 There are no community safety implications.

9 HEALTH AND WELLBEING IMPLICATIONS

9.1 There are no health and wellbeing implications.

10 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

10.1 It is a requirement in law that the Council has a Monitoring Officer and this report ensures that the Council continues to comply with the law.

11 BACKGROUND PAPERS

11.1 There are no additional background papers to the report.

12 APPENDICES

12.1 None

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