

**EAST STAFFORDSHIRE BOROUGH COUNCIL**

**REPORT COVER SHEET**

<b>Title of Report:</b>	Appointment of Interim Monitoring Officer (October 2021 – January 2022)	To be marked with an 'X' by Democratic Services after report has been presented
<b>Meeting of:</b>	Corporate Management Team NA	
	Leader and Deputy Leaders NA	
	Leader's / Leader of the Opposition's Advisory Group / Independent Alliance Advisory Group NA	
	Council 27 September 2021	

<b>Is this an Executive Decision:</b>	NO	<b>Is this a Key Decision:</b>	NO
<b>Is this in the Forward Plan:</b>	NO	<b>Is the Report Confidential:</b>  <b>If so, please state relevant paragraph from Schedule 12A LGA 1972:</b>	NO

**Essential Signatories:**

**ALL REPORTS MUST BE IN THE NAME OF A HEAD OF SERVICE**

Monitoring Officer: **Angela Wakefield**

Date ..... Signature .....

Chief Finance Officer: **Sal Khan**

Date ..... Signature .....



# EAST STAFFORDSHIRE BOROUGH COUNCIL

Report to Council

Date: 27 September 2021

<b>TITLE:</b>	Appointment of Interim Monitoring Officer (October 2021 – January 2022)
<b>PORTFOLIO:</b>	Council
<b>HEAD OF SERVICE:</b>	Chief Executive
<b>CONTACT OFFICER:</b>	Andy O'Brien
<b>WARD(S) AFFECTED:</b>	All

## **1. Purpose of the Report**

- 1.1 The purpose of the report is to seek approval for the appointment of an Interim Monitoring Officer with effect from 4<sup>th</sup> October 2021 immediately after the current incumbent, Angela Wakefield, is due to leave the Council.

## **2. Background**

- 2.1 The Monitoring Officer position is a statutory appointment pursuant to Section 5 of the Local Government and Housing Act 1989.

## **3. Contribution to Corporate Priorities**

- 3.1 There is no Corporate Plan target relating to the subject of this Report. However, good governance arrangements are fundamental to the well-being of the Council.

## **4. Appointment of Monitoring Officer**

- 4.1 Under Section 5 of the Local Government & Housing Act 1989 (as amended), the Council has a duty to appoint a Monitoring Officer. Neither the Head of Paid Service nor the Chief Finance Officer can be permitted to hold the position of Monitoring Officer.
- 4.2 The Monitoring Officer role has a number of statutory duties and responsibilities relating to the Council's Constitution and arrangements for effective governance. These duties include maintaining the Constitution, ensuring that no decision or omission of the Council is likely to give rise to illegality or maladministration and promoting high standards of conduct. A full list of the Monitoring Officer's responsibilities and delegated powers is included within the Councils' Constitution.

- 4.3 Following on from discussions with Staffordshire County Council (SCC) and ESBC Group Leaders. It is recommended that Council should appoint Chris Ebberley, now a Business Manager for Democratic and Legal Services at SCC, as Interim Monitoring Officer for East Staffordshire Borough Council with effect from 4<sup>th</sup> October 2021 through to January 2022. This will be on a charged for basis at a rate of £50 per hour so that Staffordshire County Council can recover its costs through this traded service.
- 4.4 Previously Chris Ebberley worked at ESBC from 2015 to 2019 as Deputy Monitoring Officer (along with other duties beginning his employment in 2001). This will allow him to make an immediate contribution to the governance of the council in relation to the responsibilities listed at 4.2. He is a known quantity to members and delivered his previous duties in line with expectations and to a high standard.
- 4.5 Between September 2021 and January 2022 the Council will look to a permanent solution. The legal service in the meantime will be managed by an experienced interim Council Solicitor, Caroline Elwood, and subject to Chris appointing her, will support Chris as his Deputy Monitoring Officer. Her appointment to Council Solicitor is not required to be enacted by Full Council. She was interviewed for her new post by the Leader and Chief Executive in competition with four other candidates.

## **5. Financial Considerations**

*This section has been approved by the following member of Financial Management Unit: Sal Khan*

- 5.1 It is anticipated that existing budget in the MTFs will cover the monitoring officer fee payable to SCC. However, in the event of costs exceeding the budget then the balance will be drawn down from the Professional Reserve.

## **6. Risk Assessment and Management**

- 6.1 The main risks to this Report and the Council achieving its objectives are as follows.

- 6.2 Positive (Opportunities/Benefits):

6.2.1 The appointment of a Monitoring Officer is a statutory requirement and the recommendation fulfils this.

- 6.3 Negative (Threats)

6.3.1 None.

## **7. Legal Considerations**

*This section has been approved by the following member of the Legal Team: Angela Wakefield.*

- 7.1 There are no significant legal issues arising from this Report. The relevant statutory requirements are set out above.

## **8. Equality and Health**

8.1 **Equality impacts:** The subject of this Report is not a policy, strategy, function or service that is new or being revised. An equality and health impact assessment is not required.

8.2 **Health impacts:** The outcome of the health screening question does not require a full Health Impact Assessment to be completed. An equality and health impact assessment is not required.

## **9. Human Rights**

9.1 There are no Human Rights issues arising from this Report.

## **10. Sustainability (including climate change & change adaptation measures)**

10.1 Does the proposal result in an overall positive effect in terms of sustainability (including climate change and change adaptation measures) N/A

10.2 Please detail any positive/negative aspects:

Positive (Opportunities/Benefits)

10.2.1 None

Negative (threats)

10.2.2 None

## **11. Recommendations**

11.1 To appoint Chris Ebberley as the Interim Monitoring Officer of the Council pursuant to the Local Government & Housing Act 1989 (as amended) and all related legislation, with effect from 4<sup>th</sup> October 2021.

## **12. Background papers**

12.1 None.

## **13. Appendices**

13.1 None.