

COUNCIL – 21 FEBRUARY 2023

PART I

14. APPOINTMENT OF MONITORING OFFICER

1 Summary

1.1 The reports seeks to agree the appointment of Mr Stephen Rix as the Council's Monitoring Officer from 22 May 2023.

1.2 The appointment of the Monitoring Officer is a Council appointment by virtue of the Local Authorities (Standing Orders) (England) Regulations 2001 with the statutory powers being:

- 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 Financial Officer can hold the position of Monitoring Officer.
- The Monitoring Officer has a number of statutory duties and responsibilities relating to the Council Constitution and our arrangements for effective governance.
- Article 4 of the Constitution provides that it is the responsibility of full Council to designate the Monitoring Officer.

1.3 The report also seeks to agree that any reference to Solicitor to the Council in the Council Constitution be amended to Chief Legal Officer.

2 Details

2.1 Appointment of Monitoring Officer

2.1.1 The Council's current Monitoring Officer, Ciara Feeney, appointment was made on an interim basis in May 2022.

2.1.2 Council will be aware that this is a statutory post and since the interim appointment was made have been undertaking a recruitment process to find a full time replacement.

2.1.3 Council are asked to confirm the appointment of Mr Stephen Rix to the role of Monitoring Officer. This is not a Chief Officer role (under Article 12 – Officers, point 12.01) and therefore it is not a Member appointment however all the Group Leaders were invited to meet Mr Stephen Rix before a formal offer was made. The role of Monitoring Officer is a statutory post and requires approval by Council.

2.1.4 Approval is requested for the appointment of Mr Stephen Rix as the permanent Monitoring Officer and to request that reference to the Solicitor to the Council in the Council Constitution be amended to Chief Legal Officer.

3 Options and Reasons for Recommendations

3.1 The appointment of Mr Stephen Rix as Monitoring Officer be agreed from 22 May 2023.

3.2 That reference to the Solicitor to the Council in the Council Constitution be amended to Chief Legal Officer

4 Policy/Budget Reference and Implications

4.1 The recommendations in this report are within the Council's agreed policy and budgets.

5 Financial Implications

5.1 The current budget for the Monitoring Officer is included within the existing budget for the post and it is confirmed the appointment recommended is within these budget levels.

6 Legal Implications

6.1 There are no legal implications other than those set out elsewhere in the report.

7 Equal Opportunities Implications

7.1 Relevance Test

Has a relevance test been completed for Equality Impact?	No – the requirement is for a Monitoring Officer to replace the existing post
Did the relevance test conclude a full impact assessment was required?	N/a

7.2 Impact Assessment

No Impact Assessment required

8 Staffing Implications

8.1 The Monitoring Officer has the specific duty to ensure that the Council, its officers and its elected Members maintain the highest standard of conduct in all they do.

9 Environmental Implications, Community Safety, Public Health, Customer Services Centres, Communications and Website implications

9.1 None specific.

10 Risk and Health & Safety Implications

10.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.

10.2 The subject of this report is covered by the Council's corporate plan. Any risks resulting from this report will be included in the risk register and, if necessary, managed within this plan.

Nature of Risk	Consequence	Suggested Control Measures	Response <i>(tolerate, treat, terminate, transfer)</i>	Risk Rating <i>(combination of likelihood and impact)</i>
Appointment of the Monitoring Officer cannot be made	Three Rivers DC does not fulfil its statutory obligations	Internal arrangements would need to be put in place to cover the requirements of the Monitoring Officer role	Treat	4

10.3 The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less.

Very Likely ----- Likelihood ----- ▼ Remote	Low 4	High 8	Very High 12	Very High 16
	Low 3	Medium 6	High 9	Very High 12
	Low 2	Low 4	Medium 6	High 8
	Low 1	Low 2	Low 3	Low 4
	Impact Low -----► Unacceptable			

Impact Score

4 (Catastrophic)

3 (Critical)

Likelihood Score

4 (Very Likely (≥80%))

3 (Likely (21-79%))

2 (Significant)

2 (Unlikely (6-20%))

1 (Marginal)

1 (Remote (≤5%))

10.4 In the officers' opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of the management of operational risks is reviewed by the Audit Committee annually.

11 Recommendation

11.1 To agree the appointment of Mr Stephen Rix as Monitoring Officer from 22 May 2023.

11.2 To agree that any reference to Solicitor to the Council in the Council Constitution be amended to Chief Legal Officer.

Report prepared by: Sarah Haythorpe, Principal Committee Manager

Data Quality

Data sources:

Good

Data checked by: Lee Pound, Executive Head of HR, Ciara Feeney, Interim Monitoring Officer and Hannah Doney, Head of Finance

Data rating:

1	Poor	
2	Sufficient	
3	High	X

Background Papers

Article 12 and 4 - Council Constitution

APPENDICES / ATTACHMENTS

None