

# County Council

## 8 May 2024

### APPOINTMENT OF INTERIM MONITORING OFFICER

#### Recommendations / Key decisions required:

To note the recommendation of the Appointments Committee 'B' held on the 17<sup>th</sup> April 24, and designate Mr Steve Murphy as the Council's Monitoring Officer on an interim basis, following the retirement of the current Head of Administration & law ( and Monitoring Officer) on the 31<sup>st</sup> May 2024.

#### Reasons:

- To comply with the requirements of Section 5 of the Local Government and Housing Act 1989 and to carry out the statutory role and responsibilities of Monitoring Officer under that Act.
- To ensure that interim arrangements are maintained to meet statutory requirements pending the appointment to the permanent post. It is anticipated that the permanent recruitment process will be concluded in July 2024.
- To ensure that the Council has a Monitoring Officer in place to cover the statutory and constitutional roles as set out in Article 11 (Functions of the Monitoring Officer) of the Council's Constitution.

**Cabinet Decision Required:** No  
**Council Decision Required:** YES

#### Cabinet Portfolio Holders:

Cllr. Linda Evans ( Deputy Leader & Cabinet Member for Homes)  
Cllr. Philip Hughes ( Cabinet Member for Organisation & Workforce)

**Directorate:**  
Chief Executive's  
**Report Author:**  
Paul Thomas

**Designation:**  
  
Assistant Chief Executive

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## EXECUTIVE SUMMARY

# County Council

## Date: 8 May 2024

### Appointment of Interim Monitoring Officer

#### 1. Background

The current Head of Administration & Law, ( including the role of Monitoring Officer) will be retiring from the Council with effect from 31<sup>st</sup> May 2024. The Council therefore needs to designate an Interim Monitoring Officer to discharge this statutory role until the conclusion of the appointments process which is currently underway, and the new Head of Law, Governance and Civil Services is in post.

On the 28<sup>th</sup> February 2024, County Council endorsed the report setting out the requirements of the Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014, where an authority proposes to appoint a chief officer and it is proposed to pay the chief officer annual remuneration of £100,000 or more, the post must be publicly advertised. The only exception to this requirement is where annual remuneration for a Chief Officer role is £100,000 or more and the proposed appointment is to be made for a period of no longer than 12 months.

That report contained details of the temporary interim arrangements that would need to be in place so that the Authority could continue to fulfil its statutory responsibilities during the period between the retirement of the current Head of Administration and Law (and Monitoring Officer) and the commencement of the successor.

In accordance with the report agreed by County Council on the 28<sup>th</sup> February 2024, an abridged recruitment and selection process was undertaken, and an Appointments Committee 'B' shortlisting meeting was held to assess the expressions of interest received, followed by a meeting of the Appointments Committee 'B' , held on the 17<sup>th</sup> April 24, to appoint the successful candidate.

Members are now advised that Steven Murphy has been appointed to the interim role of Head of Law, Governance & Civil Services, and will take up the role with effect from the 1<sup>st</sup> June 2024.

#### Monitoring Officer

Members are advised that Section 5 of the Local Government & Housing Act 1989, imposes a statutory duty on the Council to designate one of its Officers, to be known as the Monitoring Officer, and to carry out the statutory duties of Monitoring Officer under that Act. Those duties are primarily to ensure the lawfulness and fairness of the Council's decision making. By law, the Monitoring Officer cannot be the Chief Executive or its Chief Finance Officer.

A Monitoring Officer must be designated by Full Council.

Although the Monitoring Officer's duties are essentially of a legal nature, there is no requirement for the officer to be legally qualified, (although all other 21 Local Authority Monitoring Officers in Wales are qualified Lawyers). The position of Monitoring Officer is

an essential role pivotal to the protection of probity of the Council. The role has a number of specific statutory duties, which include reporting to Council on matters which are, appear to be, or are likely to be, illegal or amount to maladministration. The Monitoring Officer is responsible for matters relating to the conduct of councillors or officers; and also for the operation of the Council's constitution. The Monitoring Officer also carries out a number of responsibilities set out in the Constitution. (See Appendix A).

As outlined in the report submitted to County Council on the 28<sup>th</sup> February 2024, the appointment to the interim Head of Law, Governance and Civil Services has been made, so this further report seeks approval from Council to designate the duties of Monitoring Officer to Mr Murphy as the appointed Interim Head of Law, Governance and Civil Services.

## **2. Recommendations**

It is recommended that County Council:

Note the recommendation of the Appointments Committee 'B' held on the 17<sup>th</sup> April 24, and designate Mr Steve Murphy as the Council's Monitoring Officer on an interim basis, following the retirement of the current Head of Administration & law ( and Monitoring Officer) on the 31<sup>st</sup> May 2024.

**No, however the following document is attached as an appendix:**

- Constitutional responsibilities of the Monitoring Officer. Appendix A

## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report.

Signed: Paul Thomas, Assistant Chief Executive

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets	Bio-diversity & Climate Change
<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>NONE</b>	<b>YES</b>	<b>YES</b>	<b>NONE</b>	<b>NONE</b>

**1. Policy, Crime & Disorder and Equalities** – In accordance with the Council’s Constitution and Policy Framework.

**2. Legal** – As above.

**3. Finance.**

The salary for the Head of Governance & Law is in accordance with the County Council’s agreed 24/25 Pay Policy Statement and is within the current budgeted salary. The Monitoring Officer role is part of the substantive post and is therefore included within the Council’s core budget. Any net costs of the recruitment process and interim arrangements will be met from departmental budgets/reserves.

**4. Risk Management** – This is a Statutory post. Failure to make provision to discharge the functions contained within this role , efficiently and effectively would place the authority at risk.

**6. Staffing Implications** – In accordance with the Council’s Constitution and Policy Framework.

# CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below:

Signed: Paul Thomas, Assistant Chief Executive.

- 1. County Council
- 2. Local Member(s) – N/A
- 3. Community / Town Council – N/A
- 4. Relevant Partners – N/A
- 5. Staff Side Representatives and other Organisations – N/A

**Section 100D Local Government Act, 1972 – Access to Information  
List of Background Papers used in the preparation of this report:**

Title of Document	File Ref No. / Locations that the papers are available for public inspection
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