

County Council
10 July 2024

Appointment of Monitoring Officer

Recommendations / Key decisions required:

To note the recommendation of the Appointments Committee 'B' held on the 29th May 2024, to appoint Mr. Steve Murphy as the Head of Law, Governance and Civil Services, with effect from 1st June 2024, following the retirement of the Head of Administration & Law (and Monitoring Officer) on the 31st May 2024.

County Council to designate Mr. Steve Murphy as the Council's Monitoring Officer.

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 arrangements are in place to meet statutory requirements following the appointment of the Head of Law, Governance and Civil Services.
- 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.

Relevant scrutiny committee consulted:

Not Applicable

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
10 JULY 2024**

Appointment of Monitoring Officer

1. Background

The former Head of Administration & Law, (including the role of Monitoring Officer) retired from the Council with effect from 31st May 2024. The Authority had previously put interim arrangements in place, agreed by County Council, and on the 29th May 2024, Appointments Committee 'B' appointed Mr Steve Murphy as the Authority's permanent Head of Law, Governance and Civil Services, effective from 1st June 2024.

County Council previously designated Mr Murphy as the interim Monitoring Officer, so County Council now needs to formally designate a permanent Monitoring Officer to discharge its statutory role in accordance with the relevant legislation.

It is therefore recommended that the Monitoring Officer Role be undertaken by Mr Murphy.

Role of 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.

The Monitoring Officer also carries out a number of specific responsibilities set out in the Constitution. (See Appendix A).

2. Recommendations

It is recommended that County Council:

- Note the recommendation of the Members Appointments Committee 'B', held on 29th May 24, to appoint Mr Steve Murphy as the permanent Head of Law, Governance and Civil Services, and to designate Mr. Steve Murphy as the Council's Monitoring Officer.

Detailed Report Attached?

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
YES	YES	YES	NONE	YES	YES	NONE	NONE

Policy, Crime & Disorder and Equalities

In accordance with the Council's Constitution and Policy Framework.

Legal

As above.

Finance.

The salary for the Head of Governance & Law is in accordance with the County Council's agreed 2024/25 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.

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.

Staffing Implications

In accordance with the Council's Constitution and Policy Framework. (Recruitment & Selection Policy)

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. Corporate Management Team
- 3. Scrutiny Committee – N/A
- 4. Local Member(s) – N/A
- 5. Community / Town Council – N/A
- 6. Relevant Partners – N/A
- 7. 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:**

- 1. Pay Policy Statement 2024/25

Title of Document	File Ref No. / Locations that the papers are available for public inspection
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Articles of CCC's Constitution

11.3 Functions of the Monitoring Officer

(a) Maintaining the Constitution

The monitoring officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.

(b) Ensuring Lawfulness and Fairness of Decision Making

After consulting with the Chief Executive and Chief Finance Officer, the Monitoring Officer will report to the full Council or to the Executive Board in relation to an executive function if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

(c) Supporting the Standards Committee

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

Revised at Council 19/05/21

(d) Receiving Reports

The Monitoring Officer will receive and act on reports made by the Ombudsman and decisions of the case tribunals.

(e) Conducting Investigations

The Monitoring Officer will conduct investigations into matters referred by the Ombudsman and make reports or recommendations in respect of them to the Standards Committee.

(f) Proper Officer for Access to Information

The Monitoring Officer will ensure that Cabinet decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

(g) Advising Whether Decisions of the Cabinet are Within the Budget and

Policy Framework. The Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the budget and policy framework.

(h) Providing Advice

The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, probity and budget and policy framework issues to all councillors.

(i) Restrictions on Posts

The Monitoring Officer cannot be the Chief Finance Officer or the Chief Executive.