

## **SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Council **DATE:** 19<sup>th</sup> May 2022

**CONTACT OFFICER:** Gavin Jones – Chief Executive

**WARDS:** All

### **PART I** **FOR DECISION**

#### **DESIGNATION OF INTERIM MONITORING OFFICER**

##### **1 Purpose of Report**

This report seeks to designate the Council's Monitoring Officer.

##### **2 Recommendation**

The Council is recommended to note:

- (a) that Sarah Wilson is designated as the Council's Interim Monitoring Officer with effect from 23<sup>rd</sup> May 2022 by decision of the DLUHC Commissioners.

The Council is recommended to resolve:

- (b) That Article 12 of the Constitution be updated to reflect this designation.

##### **3 Background**

The Monitoring Officer, along with the Head of Paid Service and the Section 151 Officer combine to perform the Council's Statutory Governance Officer functions. These roles are key to ensuring lawfulness, fairness, probity and general good governance that support the Council in achieving its aims. It is important that they work effectively together yet maintain appropriate independence and that the roles are undertaken by adequately skilled and experienced staff supported by appropriate resources.

The Council's Monitoring Officer has a number of functions which are defined within the Council's Constitution. These include ensuring lawfulness and fairness of decision making, supporting the Standards Committee and the Audit and Corporate Governance Committee, receiving reports, conducting investigations, ensuring access to information, advising whether executive decisions are within the budget and policy framework and maintaining the Constitution.

Sarah Wilson is a highly experienced local government lawyer who, in her role as Principal Solicitor at HB Public Law (shared legal practice hosted by Harrow Council), has been the Council's senior legal advisor since November 2020, including attending the Council's Corporate Leadership Team meetings and advising Cabinet. She is also currently the Council's Deputy Monitoring Officer. Sarah is therefore extremely well-placed to undertake the duties of Monitoring Officer.

## **4 Other Implications**

### **(a) Financial**

The cost of this arrangement will be contained within existing budgets in the Finance & Resources Directorate.

### **(b) Human Rights Act and Other Legal Implications**

The designation of a Monitoring Officer is a statutory requirement under Section 5 of the Local Government & Housing Act 1989. The Council has the right to designate and appoint the Monitoring Officer and to give three months notice to the Monitoring Officer if it wishes to re-designate the post.

Appointment of a Monitoring Officer would normally be a decision reserved to elected members in accordance with Part 4.7 of the Council's Constitution. However, under a statutory direction made by the Secretary of State for Levelling-Up, Housing and Communities, certain functions are to be exercised by the appointed commissioners, either acting alone or jointly. This includes the function to appoint to the position of Monitoring Officer and to determine the terms and conditions of employment of such an officer.

## **5 Conclusion**

The role of the Monitoring Officer is an important element in the Council's structure and processes. The arrangements outlined in this report will ensure that there is both the experience and capacity to fully discharge the role.

## **6 Background Papers**

None.