


Non-Executive Report of the: Council Wednesday 28 February 2024	 TOWER HAMLETS
Report of: Stephen Halsey, Chief Executive	Classification: Unrestricted
Designation of Monitoring Officer	

Originating Officer(s)	Matthew Mannion, Head of Democratic Services
Wards affected	All Wards

Special Circumstances Justifying Urgent Consideration

This report was not available at the time the agenda was published because it was not known at that time that the previous Director of Legal Services would have left the authority 's employment before this meeting of Council. The report should be taken at this meeting because, given the key role that the Monitoring Officer plays regarding governance and probity it is considered that Council should endorse the decision to designate a new Monitoring Officer at the earliest opportunity.

Executive Summary

The previous Director of Legal Services has recently left the Authority's employment. This means that the Council was left without a designated Monitoring Officer.

The Council therefore needed to designate a new Monitoring Officer at the earliest opportunity.

This report asks Council to endorse such a designation.

Recommendations:

The Council is recommended to:

1. Endorse Linda Walker's designation as Monitoring Officer for the Council.

1. REASONS FOR THE DECISION

- 1.1 The Council is required to designate an appropriate person to the role of Monitoring Officer. The Council's Constitution in Part B Section 25 sets out the statutory officer designations and the Director of Legal Services is designated as Monitoring Officer.

2. ALTERNATIVE OPTIONS

- 2.1 No alternative options are presented as the Council's Constitution provides for the designation of the Director of Legal Services as the Council's Monitoring Officer.

3. DETAILS OF THE REPORT

- 3.1 The position of Monitoring Officer (MO) is one that local authorities are required to have under the Local Government and Housing Act 1989.
- 3.2 The Council's Constitution sets out the main duties of the Monitoring Officer including around issues such as maintenance of the constitution; ensuring lawfulness and fairness of decision making; supporting the Standards Advisory Committee; and dealing with the Member Code of Conduct.
- 3.3 The Council's previous Director of Legal Services who was designated as Monitoring Officer, Janet Fasan, has recently left the Council's employment.
- 3.4 The role therefore fell vacant and needed to be filled.
- 3.5 The Chief Executive is intending to recruit permanently to the vacant Director of Legal Services post as soon as possible but in the interim, in line with his Constitutional powers governing appointments of up to six months (Section 38 Officer Employment Procedure Rules, Paragraph 5), he has undertaken a search for an appropriate individual with relevant experience to take on the role of Interim Director of Legal Services until that recruitment process has concluded.
- 3.6 He has appointed Linda Walker to this post who in line with the provision in the Council's Constitution should also be designated Monitoring Officer. Council is asked to endorse this designation.
- 3.7 Linda Walker has undertaken the role of Monitoring Officer at Slough, Cambridgeshire and Rother Councils and Deputy Monitoring Officer at Nottinghamshire.

4. EQUALITIES IMPLICATIONS

- 4.1 None specific to this report but the Monitoring Officer has an important role in ensuring the Council meets its equalities requirements.

5. OTHER STATUTORY IMPLICATIONS

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.
- Data Protection / Privacy Impact Assessment.

5.2 The Council is required to have a designated Monitoring Officer and would be failing in its Best Value and other statutory duties without such an appointment.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

6.1 There is a substantive budget for the post which will be used fund the costs of the appointment..

7. COMMENTS OF LEGAL SERVICES

7.1 The legal implications are set out in the body of this report.

Linked Reports, Appendices and Background Documents

Linked Report

- None.

Appendices

- None.

Local Government Act, 1972 Section 100D (As amended)

List of “Background Papers” used in the preparation of this report

List any background documents not already in the public domain including officer contact information.

- None.

Officer contact details for documents:

N/A