



Council

Thursday, 23 May 2024

Appointment to the Monitoring Officer Role

Report of the Chief Executive

Cabinet Portfolio Holder for Strategic and Borough-wide Leadership,

Councillor N Clarke

1. Purpose of report

To appoint to the role of the Council's designated Monitoring Officer.

2. Recommendation

It is RECOMMENDED that Mrs Sara Pregon is appointed and designated as the Council's Monitoring Officer from 26 August 2024.

3. Reasons for recommendation

Legislation and the Council's Constitution dictate that the Council's Monitoring Officer is appointed by Full Council. This is also covered in the Legal Implications section of this report.

4. Supporting information

- 4.1. On 26 May 2022, it was resolved by Council to designate Mrs Gemma Dennis as the Council's Monitoring Officer. Mrs Dennis has served the Council since that time but has recently been successful in securing a position at Blaby District Council.
- 4.2. Following a competitive and rigorous recruitment process, Mrs Sara Pregon, currently the Monitoring Officer at Mansfield District Council, is put forward for Full Council approval as Monitoring Officer.
- 4.3. Mrs Pregon is a fully qualified solicitor and has extensive Local Government experience across a number of different fields. She has benefited from designation as the Deputy Monitoring Officer at Gedling Borough Council for many years before becoming the Monitoring Officer at Mansfield District Council. She therefore has a thorough local knowledge of council business in Nottinghamshire. Prior to working in Local Government she qualified in private practice as a criminal solicitor. Since moving to the public sector she has developed specialisms in property, procurement and planning law.

4.4. Mrs Pregon has a three month notice period to serve at Mansfield Borough Council. This report therefore recommends that Mrs Pregon is confirmed in post as the Council's Monitoring Officer from 26 August 2024.

5. Alternative options considered and reasons for rejection

There are no recommended other options.

6. Risks and uncertainties

The Council needs to appoint a Monitoring Officer, it is a statutory requirement, and failure to do so could result in the Council taking decisions without properly considering legal implications.

7. Implications

7.1. Financial implications

There are no financial implications arising directly from this report. Costs are included within existing budgets.

7.2. Legal implications

There is a statutory requirement under Section 5 of the Local Government and Housing Act 1989 for the Council to appoint a Monitoring Officer. The role of this officer is to conduct certain functions contained within this part of the Act and other relevant legislation. In essence, the Monitoring Officer oversees legality and governance issues, particularly in the conduct of business, and has a duty to report to the Council if they think any proposal, decision or omission would give rise to unlawfulness or maladministration. Under section 5 of the 1989 Act, it is also the Monitoring Officer's responsibility to nominate any required deputies. The Monitoring Officer will also promote and maintain high standards of probity and will advise Members on compliance with the Council's Code of Conduct. In addition, the Monitoring Officer will ensure decisions, reports and other papers are publicly available and Registers of Interest are maintained.

7.3. Equalities implications

There are no equalities implications arising from this report.

7.4. Section 17 of the Crime and Disorder Act 1998 implications

There are no Section 17 implications arising from this report.

7.5. Biodiversity net gain implications

There are no biodiversity net gain implications arising from this report.

8. Recommendation

It is RECOMMENDED that Mrs Sara Pregon is appointed and designated as the Council's Monitoring Officer from 26 August 2024

For more information contact:	Katherine Marriott Chief Executive 0115 914 8291 kmariott@rushcliffe.gov.uk
Background papers available for Inspection:	N/A
List of appendices:	N/A