



Council

27 September 2018

Arrangements for the Monitoring Officer Role

Non Key Decision No. 26

Report of the Chief Executive

1. Purpose of report

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

2. Recommendation

It is RECOMMENDED that Mrs Sanjit Sull is appointed and designated as the Council's Monitoring Officer from 1 October 2018.

3. Reasons for Recommendation

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

4. Supporting Information

- 4.1. On 7 December 2017 it was resolved by Council to designate Mr Julian Crowle as the Council's Monitoring Officer subject to written confirmation by the previous Monitoring Officer (Mr O'Connell) that he was satisfied that Mr Crowle met the standards required to fulfil the role. (Minute No.36 2017/18). A letter was sent to all group leaders on 16 May 2018 (Appendix A) and therefore the appointment of Mr Crowle took effect from 1 June 2018.
- 4.2. On 18 September 2018, written notice has been received from Mr Crowle that he wishes to cease his employment with the Council. Following the retirement of Mr Paul Cox, Mrs Sanjit Sull was appointed as the Council's Borough solicitor managing the Legal Services Team and is qualified to fulfil the roles and duties of the Councils monitoring officer.
- 4.3. As previously reported following an ongoing process within Broxtowe it was not possible to re-commence the joint arrangement, therefore following a review undertaken by the Deputy Chief Executive a plan was identified regarding how the duties and designation of the Monitoring Officer could be re-incorporated within the Council's establishment.
- 4.4. The review also focused on how the legal team could be enhanced to support the growing demands for commercial and property legal advice, supporting

the growth agenda whilst also boosting our capability to generate income from external agencies and partners.

- 4.5. As a result, and following the retirement of Mr Paul Cox, a decision was made to appoint Mrs Sanjit Sull as the Borough Solicitor. Mrs Sull is a fully qualified solicitor and has extensive Local Government experience, she also has benefited from designation as the Deputy Monitoring officer in previous Authorities and is currently the Council's Deputy Monitoring Officer.
- 4.6. This report therefore recommends a low risk approach and pathway to complete the reintegration of the Monitoring Officer duties within the Council's establishment.
- 4.7. Therefore I am recommending that Mrs Sanjit Sull is appointed the Council's Monitoring Officer with effect from 1 October 2018.

5. Alternative options considered and reasons for rejection

- 5.1. There are no recommended other options.

6. Risks and Uncertainties

- 6.1. Failure to appoint a suitable Monitoring Officer could result in the Council taking decisions without properly considering legal implications.

7. Implications

7.1. Financial Implications

- 7.1.1. There are no financial implications as costs have been built into the Council's budget for 2018/19

7.2. Legal Implications

- 7.2.1. 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.
- 7.2.2. 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

7.3.1. There are no Equalities implications arising from this report

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

7.4.1. There are no Section 17 implications arising from this report

7.5. Other implications

7.5.1. There are no other implications arising from this report

8. Link to Corporate Priorities

8.1. Transforming the Council to enable the delivery of efficient high quality services

9. Recommendation

It is RECOMMENDED that Mrs Sanjit Sull is appointed and designated as the Council's Monitoring Officer from 1 October 2018.

For more information contact:	Allen Graham Chief Executive 0115 914 8349 agraham@rushcliffe.gov.uk
Background papers available for Inspection:	Council Report 7 December 2017 – Arrangements for the Monitoring Officer Role