

<b>Report title</b>	Interim Appointment of Monitoring Officer	
<b>Referring body</b>	n/a	
<b>Councillor to present report</b>	Leader of the Council	
<b>Wards affected</b>	All Wards	
<b>Cabinet Member with lead responsibility</b>	Leader of the Council	
<b>Accountable Director</b>	Mark Taylor, Deputy Managing Director	
<b>Originating service</b>	Governance	
<b>Accountable employee</b>	Jaswinder Kaur	Democratic Services Manager
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<b>Report to be/has been considered by</b>	n/a	

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**Recommendations for decision:**

The Council is recommended to:

1. Approve that Tracey Christie, Chief Legal Officer be appointed as Monitoring Officer on an interim basis until a permanent Director of Governance is appointed.
2. Authorise that the Interim Monitoring Officer can exercise delegations assigned to the Director of Governance and Chief Legal Officer as detailed in the Constitution.

## **1.0 Purpose**

- 1.1 The post of Director of Governance is currently vacant with a recruitment process underway. The Council is required by law to appoint a Monitoring Officer and this report recommends the appointment of a Monitoring Officer on an interim basis until the Director of Governance is recruited to on a permanent basis.

## **2.0 Background**

- 2.1 The Monitoring Officers' legal basis is found in Section 5 of the Local Government and Housing Act 1989, as amended by Schedule 5 paragraph 24 of the Local Government Act 2000.
- 2.2 Neither the Head of Paid Service (Managing Director) nor the Chief Finance Officer (Director of Finance) can hold the position of Monitoring Officer.
- 2.3 The Monitoring Officer has a number of statutory duties and responsibilities relating to the Council's constitution and the arrangements for effective governance. These duties are contained in the Council's constitution and include:
- To report on matters he/she believes are, or are likely to be, illegal or amount to maladministration.
  - To be responsible for matters relating to the conduct of Councillors and Officers.
  - To be responsible for the operation of the Council's Constitution.
- 2.4 Whoever is appointed must though ensure that the Council receives correct and appropriate advice on the lawfulness of its decision making.

## **3.0 Interim Arrangements**

- 3.1 Tracey Christie is currently employed by the Council as Chief Legal Officer. She has a number of years' experience at this Council as senior legal officer and as Deputy Monitoring Officer. Tracey Christie is considered to have the appropriate skills, experience at a senior level and ability to undertake the duties of the role.
- 3.2 It is therefore recommended that Tracey Christie is appointed as Monitoring Officer on an interim basis until the vacant post of Director of Governance is recruited to on a permanent basis.

## **4.0 Evaluation of alternative options**

- 4.1 Council does not appoint a Monitoring Officer. This is not a tenable option as it would leave the Council in breach of its statutory duty to appoint such an officer.
- 4.2 Council appoints another Officer of the Council as Monitoring Officer - this is not recommended and will lead to delay in putting in place suitable

arrangements; or

- 4.3 Council approves the appointment of Tracey Christie as Monitoring Officer as set out in this report.

## **5.0 Reasons for decision**

- 5.1 The Council has a statutory obligation to recruit to the position of Monitoring Officer.

## **6.0 Financial implications**

- 6.1 The additional monthly cost associated with the Head of Legal Services acting as Interim Monitoring Officer is just under £1,000. This will be funded by the budget set aside for the currently vacant Director of Governance post. [GE/07052019/N]

## **7.0 Legal implications**

- 7.1 The Monitoring Officers' legal basis is found in Section 5 of the Local Government and Housing Act 1989, as amended by Schedule 5 paragraph 24 of the Local Government Act 2000. [JB/30042019/W]

## **8.0 Equalities implications**

- 8.1 There are no specific equalities implications arising from this report.

## **9.0 Environmental implications**

- 9.1 There are no specific environmental implications arising from this report.

## **10.0 Health and Wellbeing Implications**

- 10.1 There are no specific health and wellbeing implications arising from this report.

## **11.0 Human resources implications**

- 11.1 There are no specific human resources implications arising from this report.

## **12.0 Corporate landlord implications**

- 12.1 There are no specific corporate landlord implications arising from this report.

## **13.0 Schedule of background papers**

- 13.1 None