

EAST STAFFORDSHIRE BOROUGH COUNCIL

REPORT COVER SHEET

Title of Report:	Appointment Monitoring Officer	To be marked with an 'X' by Democratic Services after report has been presented
Meeting of:	Corporate Management Team NA	
	Leader and Deputy Leaders NA	
	Leader's / Leader of the Opposition's Advisory Group / Independent Alliance Advisory Group NA	
	Council 13 December 2021	

Is this an Executive Decision:	NO	Is this a Key Decision:	NO
Is this in the Forward Plan:	NO	Is the Report Confidential: If so, please state relevant paragraph from Schedule 12A LGA 1972:	NO

Essential Signatories:

ALL REPORTS MUST BE IN THE NAME OF A HEAD OF SERVICE

Monitoring Officer: **Christopher Eberley**

Date Signature

Chief Finance Officer: **Sal Khan**

Date Signature

EAST STAFFORDSHIRE BOROUGH COUNCIL

Report to Council

Date: 13 December 2021

TITLE:	Appointment of Monitoring Officer
PORTFOLIO:	Council
HEAD OF SERVICE:	Chief Executive
CONTACT OFFICER:	Andy O'Brien
WARD(S) AFFECTED:	All

1. **Purpose of the Report**

- 1.1 The purpose of the report is to seek approval for the appointment of a Monitoring Officer with effect from 7th March 2022.

2. **Background**

- 2.1 The Monitoring Officer position is a statutory appointment pursuant to Section 5 of the Local Government and Housing Act 1989.

3. **Contribution to Corporate Priorities**

- 3.1 There is no Corporate Plan target relating to the subject of this Report. However, good governance arrangements are fundamental to the well-being of the Council.

4. **Appointment of Monitoring Officer**

- 4.1 Under Section 5 of the Local Government & Housing Act 1989 (as amended), the Council has a duty to appoint a Monitoring Officer. Neither the Head of Paid Service nor the Chief Finance Officer can be permitted to hold the position of Monitoring Officer.
- 4.2 The Monitoring Officer role has a number of statutory duties and responsibilities relating to the Council's Constitution and arrangements for effective governance. These duties include maintaining the Constitution, ensuring that no decision or omission of the Council is likely to give rise to illegality or maladministration and promoting high standards of conduct. A full list of the Monitoring Officer's responsibilities and delegated powers is included within the Council's Constitution.

- 4.3 The role of Monitoring Officer is currently being filled on an interim basis by Chris Ebberley via an arrangement with Staffordshire County Council (SCC) from 4th October 2021 through to January 2022.
- 4.4 The Council has recently carried out a recruitment and selection process to recruit to the vacancy of Borough Solicitor, (currently fulfilled by Caroline Elwood as interim Solicitor to the Council). In doing so, the aim was also to find someone suitable to be the Monitoring Officer on a permanent basis.
- 4.5 Following our advertisement we were pleased that we attracted a but strong pool of candidates, in a difficult market. Six candidates were shortlisted to interview. Four candidates completed the selection process which included four parts.
- 4.6 Two psychometric tests comprised: a verbal critical reasoning test, which assesses the candidate's ability to understand and comprehend written passages. They are designed to measure their verbal comprehension, reasoning and logic, all through your understanding of language; and an occupational personality questionnaire (OPQ) which is a trait based personality measure which assesses an individual's personality preferences in the workplace. The responses shown describe the way an applicant sees their own behaviour, rather than how another person might describe it. The report describes preferred ways of behaving, rather than actual skills levels. The results were considered against the person specification for the role.
- 4.7 A technical interview panel comprised Caroline Elwood, Interim Solicitor, Andy O'Brien Chief Executive, supported by Sharon Brooks, HR Business Partner (HR & Payments).
- 4.8 A panel interview including a pre-prepared presentation comprised Group leaders: Councillors Duncan Goodfellow, Michael Fitzpatrick, and Deneice Florence-Jukes; and Andy O'Brien, Chief Executive; supported by Sharon Brooks, HR Business Partner (HR & Payments).
- 4.9 Following the panel interview, the panel assessed the information gained from the whole selection process and John Teasdale was found to be the best candidate.
- 4.10 John Teasdale is currently Principal Solicitor and Deputy Monitoring Officer at Malvern Hills District Council which is a shared service with Wychavon District Council. John has been acting as Monitoring Officer in recent months. John is an experienced advocate appearing regularly in the magistrates and county court as well as at tribunals and in the coroner's court. He has good experience of working as a local government solicitor in district councils and across the range of functions, particularly planning, licensing, and is currently responsible for a small team of planning and litigation lawyers.
- 4.11 The panel unanimously recommended John Teasdale to be the next Monitoring Officer.
- 4.12 John Teasdale is required to give his current employer three months' notice. Therefore it is recommended that Council should also extend the appointment of Chris Ebberley, now a Business Manager for Democratic and Legal Services at SCC, as Interim Monitoring Officer for East Staffordshire Borough Council through to 4th March 2022, to allow for continuation until John Teasdale's start date. This will be on a charged for basis at a rate of £50 per hour so that Staffordshire County Council can recover its costs through this traded service.

5. Financial Considerations

*This section has been approved by the following member of Financial Management Unit:
Sal Khan*

- 5.1 It is anticipated that existing budget in the MTFS will cover the monitoring officer fee payable to SCC. However, in the event of costs exceeding the budget then the balance will be drawn down from the Professional Reserve.
- 5.2 The existing staffing budget covers the cost of the permanent Monitoring Officer role. The payment for Monitoring Officer duties is £6,500 per annum.

6. Risk Assessment and Management

6.1 The main risks to this Report and the Council achieving its objectives are as follows.

6.2 Positive (Opportunities/Benefits):

6.2.1 The appointment of a Monitoring Officer is a statutory requirement and the recommendations fulfil this.

6.3 Negative (Threats)

6.3.1 None.

7. Legal Considerations

This section has been approved by the following member of the Legal Team: Caroline Elwood.

7.1 There are no significant legal issues arising from this Report. The relevant statutory requirements are set out above.

8. Equality and Health

8.1 **Equality impacts:** The subject of this Report is not a policy, strategy, function or service that is new or being revised. An equality and health impact assessment is not required.

8.2 **Health impacts:** The outcome of the health screening question does not require a full Health Impact Assessment to be completed. An equality and health impact assessment is not required.

9. Human Rights

9.1 There are no Human Rights issues arising from this Report.

10. Sustainability (including climate change & change adaptation measures)

10.1 Does the proposal result in an overall positive effect in terms of sustainability (including climate change and change adaptation measures) N/A

10.2 Please detail any positive/negative aspects:

Positive (Opportunities/Benefits)

10.2.1 None

Negative (threats)

10.2.2 None

11. Recommendations

- 11.1 To appoint John Teasdale as the Monitoring Officer of the Council pursuant to the Local Government & Housing Act 1989 (as amended) and all related legislation, with effect from 7th March 2022.
- 11.2 To extend the appointment from January 2022 to 7th March 2022, with the end date to ensure continuity of service, of Chris Ebberley as the Interim Monitoring Officer of the Council pursuant to the Local Government & Housing Act 1989 (as amended) and all related legislation, October 2021.

12. Background papers

- 12.1 None.

13. Appendices

- 13.1 None.