

# **Corrigendum**

**HAVANT BOROUGH COUNCIL  
HUMAN RESOURCES  
WEDNESDAY, 27TH APRIL, 2022**

<b>Agenda No</b>	<b>Item</b>	
<b>4</b>	<b>Appointment of Interim Chief Legal Officer &amp; Monitoring Officer</b>	<b>1 - 8</b>
	Appendices – Human Resources Report: HBC/049/2022 Job Description and Profile	

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**PART EXEMPT**

## **HAVANT BOROUGH COUNCIL**

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**HUMAN RESOURCES COMMITTEE**

**DATE 27<sup>th</sup> Apr 22**

**Appointment of Interim Chief Legal Officer & Monitoring Officer**

**Report by Interim Head of Paid Service**

**FOR DECISION**

**Key Decision: No**

**Report No.: HBC/049/2022**

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### **1.0 Purpose of Report**

This report sets out the interview process for the Interim Chief Legal Officer & Monitoring Officer and also contains a recommendation on appointment.

### **2.0 Recommendation**

That:

- a) *In accordance with Section 5 of the Local Government and Housing Act 1989, Committee recommends to full Council that they appoint Mr Mark Watkins as Interim Chief Legal Officer & Monitoring Officer until such time as a permanent appointment has been made*

### **3.0 Background**

- 3.1 Havant Borough Council on the 26th of January 2022 resolved *"To agree to withdraw from the Joint Management Team Agreement subject to a business case being reported to the next meeting of the Council exploring the risks, issues, benefits, and costs of the withdrawal..."*
- 3.2 At February Council, Members approved the outline business plan for the delivery of the preferred option as set out in the Options Appraisal and Business Case within which is contained the Havant Borough Council Business Plan. Section 2 of that Plan deals with Leadership Capacity and Organisation Design and states: *"A key aspect of the preferred option of a standalone*

*council is the desire to enhance leadership capacity to deliver corporate objectives. The Council has already appointed an Acting Chief Executive and.... more immediately, the Acting CEO will employ a temporary.... [sole] monitoring officer as swiftly as possible to fulfil the Council's statutory obligations."*

- 3.3** As a result of the decision referred to in paragraph 3.1 above, the monitoring officer role for Havant Borough Council has recently been vacated.
- 3.4** As part of the proposed structure of the new Senior Management Team for Havant Borough Council, the Acting Chief Executive as Head of Paid Service requires a Chief Legal Officer who will also undertake the statutory role of Monitoring Officer. Committee is asked to recommend to full Council that Mr Watkins be appointed as Interim Chief Legal Officer & Monitoring Officer on an interim basis for the period of time it takes to recruit permanently to this post.

#### **4.0 Subject of Report**

- 4.1** Order 89.1 of Officer Employment Standing Orders (Part Three, Section F) (the ESOs) provides that where the council proposes to appoint exclusively from amongst existing officers then this Committee shall *"make arrangements in connection with this appointment"*. This report sets out below what those arrangements should be.
- 4.2** The above arrangements will consist of the following:
1. Interview by this Committee
  2. Assessment
  3. Recommendation (as appropriate)
  4. Consultation with Cabinet Members
  5. Appointment by full Council

For the convenience of Committee a Job Description for this role is annexed at Appendix No 1. A curriculum vitae for Mr Watkins is annexed to this report at Appendix No 2.; HR Committee will undertake Stages 1, 2 & Stage 3; consultation (Stage 4) will be handled by the Head of OD.

- 4.3** Order 87.2 of the ESOs provides that where the Council is proposing to appoint a chief officer then the Committee shall include at least one Cabinet member.
- 4.4** Attached at Appendix No 1 to this report is the Job Description for monitoring officer.

**4.5** Attached at Appendix No 2 is the curriculum vitae for Mr Watkins

**5.0 Implications**

**5.1 Resources:** The interim post will be met within existing budgets

**5.2 Legal:** It is a statutory requirement contained within s5 of the Local Government and Housing Act 1989 to appoint a monitoring officer

**4.3 Consultation**

Discussed with the Leader & Deputy Leader

**Contact Officer:** Kim Sawyer  
**Job Title:** Acting Chief Executive  
**E-Mail:** kim.sawyer@havant.gov.uk

**Appendix No 1** - Job Description

**[EXEMPT] Appendix No 2** - Curriculum Vitae

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## Monitoring Officer - MAIN DUTIES AND RESPONSIBILITIES:

### Role Profile

- Prepare a report to Council if it at any time it appears that any proposal, decision or omission by the authority, by any committee, sub-committee of the authority, by any person holding any office or employment under the authority has given rise to or is likely to or would give rise to:
  - (i) contravention by the authority of any enactment or rule of law or of any code of practice made or approved by or under any enactment; or
  - (ii) any maladministration or injustice under Part III of the Local Government Act 1974
- Undertake the statutory responsibilities of the role in a positive way and in a manner that enhances the overall reputation of the Council and will also safeguard, so far as is possible, elected members and officers whilst acting in their official capacities.
- Ensure that the Head of the Paid Service and the Chief Financial Officer have up-to-date information regarding emerging issues.
- Perform as an Integral member of Senior Management Team and to consult with the Head of Paid Service and Chief Financial Officer on governance and probity issues affecting the Council either in the context of those meetings or separately.
- Responsible for all statutory requirements for member conduct.
- Seek Counsel's opinion or take appropriate action on any matter concerning the Monitoring Officer functions.
- Advise the Council on the interpretation/operation of the Council's constitution.
- Promote and maintain high standards of conduct
- Provide advice on vices issues, maladministration, financial impropriety, probity and policy framework and budget issues
- Review and monitor training programmes for Members of the Council
- Establish and maintain registers of Members' interests and gifts and hospitality.
- Carry out the role in accordance with the Statutory Officers Protocol within the Council's Constitution.

### Knowledge, Skills and Abilities

It is essential that the postholder meets the following.

- A thorough understanding of the implications of working in a politically controlled and democratically elected organisation and experience of working effectively with elected members or equivalent.
- Experience at a senior level dealing with Constitutional, maladministration and member conduct/ standards issues.
- Ability to present complex information/reports/correspondence in a concise and clear manner to a range of audiences either orally or in writing.
- Demonstrable experience of carrying out investigations into sensitive but serious complaints.
- Possess highly developed interpersonal and influencing skills.
- Ability to relate successfully to people from a wide range of social and cultural backgrounds.
- Possess well developed consultation and negotiation skills.

- Demonstrate personal resilience under pressure including the ability to generate urgency in others
- without panic and to work to tight deadlines.
- Able to demonstrate personal conduct, integrity and credibility that inspires confidence in members,
- employees, customers, partners and others.
- Ability to attend meetings outside normal working hours on a regular basis.