

NON EXEMPT

HAVANT BOROUGH COUNCIL

FULL COUNCIL

DATE 18th January 2023

Designation of the Monitoring Officer

Recommendation from HR Committee

FOR DECISION

Key Decision: No

Report: HBC/111/2023

1.0 Purpose of Report

- 1.1 To designate an officer of the council to the statutory post of Monitoring Officer.

2.0 Recommendation

- 2.1 That:

- a) Full Council designate Joanne McIntosh, Chief Legal Officer, as Monitoring Officer for Havant Borough Council In accordance with Section 5 of the Local Government and Housing Act 1989.

3.0 Executive Summary

- 3.1 This paper provides context and supporting information in regard to Full Council ratification of the HR Committee's recommendation, made on 20th December 2022, regarding the appointment of the Chief Legal officer, therefore Monitoring Officer, for the Authority.

- 3.2 Following an extensive search and selection process, the recommendation of the HR Committee was that Full Council appoint Joanne McIntosh as the Chief Legal Officer, and Monitoring Officer, for Havant Borough Council.

4.0 Additional Budgetary Implications

- 4.1 None to note. The post for the Monitoring Officer and Chief Legal Officer is in the agreed budget. The appointment is being made in accordance with relevant provisions of the senior management pay policy.

5.0 Background

- 5.1 At Havant Borough Council, the council's most senior legal adviser is usually designated as the authority's monitoring officer pursuant to s5 of the Local Government and Housing Act 1989 and is therefore a statutory officer of the council. The Constitution requires that statutory officers are appointed by Full Council.
- 5.2 Following Council's resolution of 26th January 2022 to agree to withdraw from the Joint Management Team Agreement with East Hampshire District Council, interim management arrangements were put in place. As part of this, Council went on to then designate (on an interim basis) an officer to the statutory role of Monitoring Officer pending recruitment to that role on a permanent basis.
- 5.3 Following a national advertising campaign, completed by Tile Hill, working in partnership with the Council, four candidates were shortlisted from nine applicants for the Monitoring Officer / Chief Legal Officer position based on the requirements for the role contained in the job description and process set out at HR Committee on 20th July 2022.
- 5.4 Three shortlisted candidates were considered by the HR Committee, in a meeting convened 20th December 2022; one withdrew. The clear recommendation from the Committee was for appointment of the named candidate to the role of Chief Legal Officer and Monitoring Officer.

6 Options Considered

- 6.1 Not applicable. It is a statutory requirement to for the Council to have a party appointed to this role.

7 Resource Implications

- 7.1 *Financial Implications:* The interim post of Statutory Legal Officer has been part funded to date through the Council's Transition Budget. On-going costs will now be met from established base revenue budgets.

Chief Finance, (Section 151), Officer comments

Relevant base budget has been set aside to fund the cost of the permanent Statutory Legal Officer. The salary agreed with the successful candidate is within the approved banding for HBC Senior Officer's pay

28th December 2022

7.2 *Human Resources*: This process has been completed in accordance with the Constitution of Council, and in accordance with appropriate recruitment and selection processes. Following ratification, appointment will progress in accordance with agreed policy and practice.

7.3 *Information Governance*: No material implications to report.

7.4 *Climate and the Environment*: No implications.

8 Legal Implications

8.1 The Council's general power to appoint staff is set out in Section 112 Local Government Act 1972.

Monitoring Officer comments

At Havant Borough Council, the council's most senior legal adviser is usually designated as the authority's monitoring officer pursuant to s5 of the Local Government and Housing Act 1989 and is therefore a statutory officer of the council.

As the Constitution requires that statutory officers are appointed by full Council, Committee's role will be to make a recommendation to Council on appointment

23rd December 2022

9.0 Risks

9.1 None to report, with regards to approval of the recommendation.

10.0 Consultation

10.1 No issues or elements to report.

11.0 Communication

11.1 Communication on the appointment is subject to Full Council ratification of the appointment decision.

12.0 Appendices

12.1 None.

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