

Is the final decision on the recommendations in this report to be made at this meeting?

Yes**Appointment of Monitoring Officer**

Final Decision-Maker	Full Council
Portfolio Holder(s)	Councillor Reilly – Portfolio Holder for Finance and Governance
Lead Director	Stephen McGinnes – Director of Mid Kent Services
Head of Service	Patricia Narebor – Head of Legal Partnership
Lead Officer/Author	Donna Price – Interim Deputy Head of Legal Partnership
Classification	Non-exempt
Wards affected	All

This report makes the following recommendations to the final decision-maker:

1. That Patricia Narebor be appointed as the Monitoring Officer for the Council with effect from 28 September 2017;
2. That Patricia Narebor was appointed as the Head of Mid Kent Legal Partnership on 1 September 2017 be noted; and
3. That the Head of Legal Partnership be authorised to exercise the delegated functions and responsibilities relating to the Head of Legal Partnership as set out in the Council's Constitution.

This report relates to the following Five Year Plan Key Objectives:

- A Prosperous Borough
- A Green Borough
- A Confident Borough

The Council is responsible for putting in place proper arrangements for the governance of its affairs. The appointment of an experienced Monitoring Officer is a key component of these arrangements and will support the Council to achieve its corporate objectives.

Timetable

Meeting	Date
Council	27 September 2017

Appointment of Monitoring Officer

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 Estelle Culligan, the Council's interim Head of Legal Partnership and Monitoring Officer, left the Council on 6 September 2017.
 - 1.2 Since the Council is required by law to appoint a Monitoring Officer, this report notes the appointment of Patricia Narebor as Head of Legal Partnership from 1 September 2017 and recommends her appointment as the Council's Monitoring Officer.
-

2. INTRODUCTION AND BACKGROUND

- 2.1 One of the services which the Council shares with Maidstone and Swale Borough Councils is legal services (Mid Kent Legal Services) which is headed up by Patricia Narebor, Head of Legal Partnership. Ms Narebor will also be appointed as the Monitoring Officer for Maidstone Borough Council. Her predecessor Estelle Culligan, interim Head of Legal Partnership has left the Council.
- 2.2 The Council is required by law to appoint a Monitoring Officer and under the Council's Constitution, the decision must be taken by Full Council. The Council's Head of Paid Service and the Chief Finance Officer cannot also 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 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 (Part 2 - Article 6.3).
- 2.4 Patricia Narebor has been appointed as the Head of Legal Partnership for the three local authorities from 1 September 2017.
- 2.5 It is proposed that Ms Narebor be appointed as the Council's Monitoring Officer with effect from 28 September 2017 and that she is seconded to the Council from Swale Borough Council (her employing authority) whilst carrying out the Monitoring Officer duties. Ms Narebor has been a qualified solicitor for over 14 years and has over 14 years experience working in local government legal services. She is also experienced in carrying out the Monitoring Officer role.
- 2.6 If the recommendation is accepted, Ms Narebor will appoint a Deputy Monitoring Officer to assist with her Tunbridge Wells Borough Council responsibilities.

2.7 As the Head of Legal Partnership, it is also recommended that Ms Narebor exercise the Head of Legal Partnership's delegated functions and responsibilities in the Council's Constitution.

3. AVAILABLE OPTIONS

3.1 The Council could decide to appoint another Council officer as its Monitoring Officer but without the same degree of legal and governance expertise.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

4.1 The recommendation is to appoint Patricia Narebor, Head of Legal Partnership, as the Council's Monitoring Officer for the reasons set out above.

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

5.1 Given that this report concerns the appointment of one of the Council's statutory officers, the recommendation is being made directly to Full Council. The Leader of the Council and the Chairman of the Audit and Governance Committee have both been consulted about the report.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

6.1 If the recommendation is approved, the decision will be communicated to staff and relevant stakeholders.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Legal including Human Rights Act	The Council is required to appoint a Monitoring Officer by section 5 of the Local Government & Housing Act 1989. Section 113 of the Local Government Act 1972 allows one local authority to agree with another that it will place an officer at the disposal of the latter for the purposes of their functions.	Donna Price, Interim Deputy Head of the Legal Partnership 13 September 2017
Finance and other resources	If the recommendation is accepted, it will enable the Council to make use of existing Mid Kent Services resources, namely the legal and governance experience of the Head of Legal Partnership.	Donna Price, Interim Deputy Head of the Legal Partnership 13 September 2017

Staffing establishment	If the recommendation is accepted, the Head of Legal Partnership will be seconded to the Council from Swale Borough Council whilst carrying out her Monitoring Officer duties.	Donna Price, Interim Deputy Head of the Legal Partnership 13 September 2017
Risk Management	If the recommendation is accepted, the risks are considered to be low given the Head of Legal Partnership's extensive legal and governance experience. The risks of appointing a Monitoring Officer without these skills and experience would be much higher.	Donna Price, Interim Deputy Head of the Legal Partnership 13 September 2017
Environment and sustainability	No implications	Donna Price, Interim Deputy Head of the Legal Partnership 13 September 2017
Community Safety	No implications	
Health and Safety	No implications	
Health and Wellbeing	No implications	
Equalities	No implications	

8. REPORT APPENDICES

The following documents are to be published with and forms part of the report:

- None
-

9. BACKGROUND PAPERS

- None