

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

TEMPORARY APPOINTMENT OF MONITORING OFFICER

REPORT BY CHIEF EXECUTIVE

A. PURPOSE OF REPORT

To agree a temporary re-allocation of the statutory position of Monitoring Officer.

B. RECOMMENDATIONS

1. To designate James Millar, Governance Manager, to be the council's Monitoring Officer on a temporary basis
2. To delegate authority to the Chief Executive to make temporary appointments to the statutory positions of Head of Paid Service, Monitoring Officer, Chief Financial Officer and Chief Social Work Officer where he considers it expedient

C. SUMMARY OF IMPLICATIONS

I	Council Values	Being honest, open and accountable
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Local Government & Housing Act 1989; Local Government (Scotland) Act 1973; Social Work (Scotland) Act 1968
III	Implications for Scheme of Delegations to Officers	A change is sought as per recommendation B2
IV	Impact on performance and performance Indicators	N/a
V	Relevance to Single Outcome Agreement	N/a
VI	Resources - (Financial, Staffing and Property)	N/a
VII	Consideration at PDSP	Not required
VIII	Other consultations	Monitoring Officer

D. TERMS OF REPORT

- 1 The council is required to make four statutory officer appointments. They are Head of Paid Service, Chief Financial Officer (otherwise, Section 95 Officer), Monitoring Officer, and Chief Social Work Officer. Their roles and responsibilities are set out in Appendix 3 to the council's Scheme of Delegations to Officers. These are amongst the "Proper Officer" appointments the council has to make. They are usually, but not always' tied to particular senior officer positions.
- 2 The Head of Corporate Services is presently the Monitoring Officer, appointed by Council Executive on 22 December 2015. She has recently taken up the post of Head of Housing, Building & Customer Services on an interim basis. During her appointment there, it is recommended that the responsibilities of the Monitoring Officer post are carried out by the Governance Manager. His appointment would end on Mrs Whitelaw's return to her substantive post. The Monitoring Officer post's overall objectives are to ensure compliance with the law and statutory Codes of Practice; to ensure appropriate advice is given to members and officers if there should be any such contravention; to formally report to the council where it proves impossible to prevent or rectify such a breach; and to be the lead officer in relation to the Councillors' Code of Conduct and any complaint investigations carried out.
- 3 The Scheme of Delegations to Officers presently permits the Chief Executive to appoint to Head of Service posts on an interim basis. That power is useful where vacancies arise for example through retiral, resignation or long-term absence. It is recommended that such a power is added to the Scheme in relation to the four statutory officer appointments, to provide maximum flexibility in future. Permanent appointments would still require committee or council approval.

E. CONCLUSION

Approval of the recommendations will ensure continuity in the Monitoring Officer role and enable prompt temporary appointments to be made for the four statutory officer positions in future.

F. BACKGROUND REFERENCES

- 1 Scheme of Delegations to Officers
- 2 Council Executive, 22 December 2015

Appendices/Attachments: None

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Graham Hope, Chief Executive

Date of meeting: 18 January 2022