

FULL COUNCIL**25 October 2017**

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

Yes**Appointment of Monitoring Officer**

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|---------------------------------------|---|
| Final Decision-Maker | Full Council |
| Lead Head of Service | Patricia Narebor – Head of Legal Partnership & Monitoring Officer |
| Lead Officer and Report Author | Donna Price – Interim Deputy Head of Legal Partnership |
| Classification | Non-exempt |
| Wards affected | All |

This report makes the following recommendations to this Committee:

1. To appoint Patricia Narebor as the Monitoring Officer for the Council with effect from 4 September 2017.
2. To note that Patricia Narebor was appointed as the Head of Mid Kent Legal Partnership on 1 September 2017.
3. To authorise the Head of Legal Partnership to exercise the delegated functions and responsibilities relating to the Head of Legal Partnership as noted in the Council's Constitution.

This report relates to the following corporate priorities:

- Keeping Maidstone Borough an attractive place for all
- Securing a successful economy for Maidstone 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 | 25 October 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.
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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 Tunbridge Wells 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 Paragraph 3.14 and Paragraph 4 "The Proper Officer Functions").
- 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 4 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 Maidstone 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. Consultation has taken place with the Chief Executive 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 |
|---------------------------------------|---|--|
| Impact on Corporate Priorities | 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 | Interim Deputy Head of the Legal Partnership |
| 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 | Interim Deputy Head of the Legal Partnership |

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| | experience. The risks of appointing a Monitoring Officer without these skills and experience would be much higher. | |
| Financial | If the recommendation is accepted, it will enable the Council to make use of existing Mid Kent Improvement Partnership resources, namely the legal and governance experience of the Head of Legal Partnership. | Interim Deputy Head of the Legal Partnership |
| Staffing | 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. | Interim Deputy Head of the Legal Partnership |
| Legal | 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. | Interim Deputy Head of the Legal Partnership |
| Equality Impact Needs Assessment | No implications | Interim Deputy Head of the Legal Partnership |
| Environmental/Sustainable Development | No implications | Interim Deputy Head of the Legal Partnership |
| Community Safety | No implications | Interim Deputy Head of the Legal Partnership |
| Human Rights Act | No implications | Interim Deputy Head of the Legal Partnership |
| Procurement | No implications | Interim Deputy Head |

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|-------------------------|-----------------|--|
| | | of the Legal Partnership |
| Asset Management | No implications | Interim Deputy Head of the Legal Partnership |

8. REPORT APPENDICES

None

9. BACKGROUND PAPERS

None