

Appointment of Interim Head of Legal Partnership and Monitoring Officer

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| Final Decision-Maker | Council |
| Lead Head of Service | Stephen McGinnes, Director of Mid Kent Services |
| Lead Officer and Report Author | Patricia Narebor, Head of Legal Partnership |
| Classification | Public |
| Wards affected | All |

Executive Summary

Patricia Narebor, the Council's Head of Legal Partnership and Monitoring Officer is leaving the Council on 24 October 2021 to take up another position.

To maintain an effective legal service until such time that a permanent appointment is made, the report notes the appointment of Claudette Valmond as the Interim Head of Legal Partnership and Jayne Bolas as the Interim Deputy Head of Legal Partnership and recommends the appointment of Jayne Bolas as the Monitoring Officer for Maidstone Borough Council.

It is proposed that these appointments are reviewed on the recruitment of a permanent Head of Legal Partnership.

Purpose of Report

Decision

This report makes the following recommendations to Council:

1. That the appointment of Claudette Valmond as the Interim Head of Legal Partnership to exercise the Head of Legal Partnership's delegated functions and responsibilities in the Council's Constitution, save for the Monitoring Officer duties specified in paragraphs 5 and 12 of the current delegations to the Head of Legal Partnership (Section 2.3.15 of Part 2.3 of the Constitution), be noted.
2. That Jayne Bolas be appointed to undertake statutory duties and responsibilities as the Council's Monitoring Officer, as noted in the Constitution at paragraphs 5 and 12 of the delegations to the Head of Legal Partnership, with effect from 24 October 2021.

3. That appropriate amendments be made to the Council's Constitution to effect these changes.

| Timetable | |
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| <i>Meeting</i> | <i>Date</i> |
| Council | 29 September 2021 |

Appointment of Interim Head of Legal Partnership and Monitoring Officer

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

| Issue | Implications | Sign-off |
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| Impact on Corporate Priorities | The Council is responsible for putting in place proper arrangements for the governance of its affairs. The appointment of the Head of Legal Partnership and Monitoring Officer support the Council to achieve its priorities. | Director of Mid Kent Services |
| Cross Cutting Objectives | The Council is responsible for putting in place proper arrangements for the governance of its affairs. The appointment of the Head of Legal Partnership and Monitoring Officer support the Council to achieve its objectives. | Director of Mid Kent Services |
| Risk Management | If the recommendation is accepted, the risks are considered to be low given the extensive legal and governance experience of the officers. The risks of appointing a Head of Legal partnership and Monitoring Officer without these skills and experience would be much higher. | Director of Mid Kent Services |
| Financial | The proposals set out in the recommendation are all within already approved budgetary headings and so need no new funding for implementation. | Director of Finance and Business Improvement |
| Staffing | The Head of Legal Partnership and Monitoring Officer will be seconded to the Council from Swale Borough Council for the purpose of carrying out their duties | Director of Mid Kent Services |
| 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. | Head of Legal Services |
| Privacy and Data Protection | The recommendations will have no impact on privacy and data protection. | Director of Mid Kent Services |
| Equalities | The recommendations do not propose a change in service therefore will not require an equalities impact assessment | Director of Mid Kent Services |

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| Public Health | We recognise that the recommendations will not negatively impact on population health or that of individuals. | Director of Mid Kent Services |
| Crime and Disorder | The recommendation will have no impact on Crime and Disorder. | Director of Mid Kent Services |
| Procurement | The recommendations will have no impact on procurement. | Director of Mid Kent Services |
| Biodiversity and Climate Change | The implications of this report on biodiversity and climate change have been considered and there are no implications on biodiversity and climate change. | Director of Mid Kent Services |

2. INTRODUCTION AND BACKGROUND

- 2.1 The Council shares its legal service with Swale and Tunbridge Wells Borough Councils (Mid Kent Legal Services). Patricia Narebor is the current Head of Legal Partnership and Monitoring Officer for Maidstone Borough Council.
- 2.2 Ms Narebor is leaving her post on 24 October 2021 to take up another position.
- 2.3 To maintain an effective legal service until such time that a permanent appointment is made to the Head of Legal Partnership and Monitoring Officer roles, an interim structure is proposed to include the appointment of Claudette Valmond as the Interim Head of Legal Partnership and Jayne Bolas as the Interim Deputy Head of Legal Partnership and Monitoring Officer for Maidstone Borough Council.
- 2.4 It is proposed that these appointments are reviewed on the recruitment of a permanent Head of Legal Partnership.
- 2.5 Claudette Valmond, Principal Lawyer (Property, Contracts and Planning) has accepted a conditional offer to become Interim Head of Legal Partnership for the three local authorities as part of an interim structure until a permanent replacement for the Head of Legal Partnership post is recruited. Claudette Valmond has been a qualified solicitor for over 30 years and has over 7 years' experience working in a local government legal service.
- 2.6 As the Interim Head of Legal Partnership, with effect from 24 October 2021, Claudette Valmond will exercise the Head of Legal Partnership's delegated functions and responsibilities in the Council's Constitution, save for the Monitoring Officer duties specified in paragraphs 5 and 12 of the current delegations to the Head of Legal Partnership.

- 2.7 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.
- 2.8 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.
- 2.9 The Local Government and Housing Act 1989, section 5 requires an Authority to designate one of their Officers to perform the Monitoring Officer duties which includes:
- (a) the duty to consider proposals and prepare a report for consideration by the Authority if a proposal is likely to give rise to a contravention of any enactment, rule of law or any code of practice; or
 - (b) likely to lead to any maladministration or failure as is mentioned in Part 3 of the Local Government Act 1974 (Local Commissioners).
- 2.10 Jayne Bolas, Principal Lawyer (Contentious and Corporate Governance) and Deputy Monitoring Officer, has accepted a conditional offer to become Interim Deputy Head of Legal Partnership for the three local authorities as part of an interim structure until a permanent replacement for the Head of Legal Partnership post is recruited.
- 2.11 It is proposed that Jayne Bolas is appointed as the Council's Monitoring Officer with effect from 24 October 2021 and that she is seconded to the Council from Swale Borough Council (her employing authority) whilst carrying out the Monitoring Officer duties. Jayne Bolas has been a qualified solicitor for 34 years and has 32 years' experience working in local government legal services.
- 2.7 If the recommendation is accepted, Jayne Bolas will appoint a Deputy Monitoring Officer to assist her.

3. AVAILABLE OPTIONS

- 3.1 The Council is required by law to appoint a Monitoring Officer. It could decide to appoint a different officer to undertake the role however as the current Deputy Monitoring Officer, Jayne Bolas is held to be the best qualified officer to undertake the role.
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4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The recommendation is to note the appointment of Claudette Valmond as the Interim Head of Legal Partnership and appoint Jayne Bolas as the Monitoring Officer for the reasons set out above.

5. RISK

- 5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 Given that this report concerns the appointment of one of the Council's statutory officers, the recommendation is being made directly to Full Council.
- 6.2 The proposed interim structure and appointments have been discussed and are supported by the Chief Executive and partner authorities.

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

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

8. REPORT APPENDICES

Appendix 1: Scheme of delegations

9. BACKGROUND PAPERS

None