

APPOINTMENT OF MONITORING OFFICER

REPORT OF: Director of Resources & Organisational Development
Contact Officer: Louise Duffield, Email: louise.duffield@midsussex.gov.uk Tel: 01444 477145
Wards Affected: All
Key Decision: N/A
Report to: Council
7 December 2022

Purpose of Report

1. The purpose of this report is to seek Council's approval for the designation of the statutory role of Monitoring Officer, as required by the law and the Constitution.

Recommendations

2. **Council is recommended to agree the designation of:**
 - (a) **Kevin Toogood as the Council's Monitoring Officer with effect from 16th January 2023**
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Background

3. As Members are aware, the current interim Assistant Director for Legal & Democratic Services, Geoff Wild, was appointed to the role of the Monitoring Officer by the Council on 12th October 2022. Mr Wild's contract with the Council ends on 4 February 2023.
4. The new Assistant Director for Legal & Democratic Services, Kevin Toogood, takes up his permanent appointment from 5 December 2022.
5. Mr Toogood joins the Council from Tonbridge and Malling Borough Council. He is the Head of Legal and Democratic Services and the Deputy Monitoring Officer. He comes with wealth of experience both from the private and public sectors and is well adept at supporting members.

Appointment of Monitoring Officer

6. The Council is required to designate one of its officers as the Monitoring Officer pursuant to section 5 of the Local Government and Housing Act 1989, with sufficient resources to carry out that role. The Monitoring Officer is required to bring to the attention of Council any action of the Council or its Committees which has given rise to or is likely to give rise to contravention of any enactment, rule of law or maladministration. The officer acts as the lead officer on all Standards matters.
7. Consequently, it is recommended that Kevin Toogood be appointed as the Council's Monitoring Officer. This should take place from 16th January 2023 after a period of handover from Mr Wild is completed.

Policy and Legal Context

8. There is a legal requirement on the Council to designate statutory officers. These include the Head of Paid Service (Chief Executive), the Monitoring Officer and the Section 151 Officer/Chief Finance Officer.

9. It is a statutory requirement for local authorities to have statutory officers in place, to ensure that their necessary roles and functions are delivered effectively.
10. The Monitoring Officer is responsible for ensuring the actions of the Council are lawful and through the Standards Committee work with elected members to ensure high levels of probity and adherence to the Member Code of Conduct.

Financial Implications

11. The financial implications associated with agreeing the recommendations can be covered within the existing revenue budget for 2022/23.

Risk Management Implications

12. None.

Equality and Customer Service Implications

13. None.

Other Material Implications

14. None.

Sustainability Implications

15. None

Background Papers

16. None