

COUNCIL: 28 MARCH 2024

REPORT OF THE CHIEF EXECUTIVE

APPOINTMENT OF MONITORING OFFICER

Reason for this Report

1. To formally designate a Monitoring Officer to meet the requirements of the Local Government and Housing Act 1989 and to carry out the statutory role and responsibilities of Monitoring Officer under that Act.

Background

2. Council received a report on 21st September 2023 noting the resignation of the Director of Governance and Legal Services and Monitoring Officer, and approved a recruitment and selection process to fill the post.
3. On 27th October 2023 the post of Director of Governance and Legal Services fell vacant. As the post-holder was the Council's designated statutory Monitoring Officer the Council on 26th October 2023 designated Debbie Marles as Interim Monitoring Officer in order to meet its statutory duties until the date that a new Director of Governance and Legal Services commences employment.

Issues

4. A recruitment and selection process was completed in line with the Council resolution of September 2023 (referenced in paragraph 2 above). This commenced with the public advertisement of the role. On 16th January 2024 the Appointments Committee resolved to appoint Debbie Marles as the new Director of Governance and Legal Services. Ms Marles has accepted the position and will commence employment on or before 25th July 2024, with the exact date to be confirmed.
5. Under the Council's Constitution, Article 11.1(b), there is a necessity for Council to formally designate the Monitoring Officer, so that Debbie Marles' designation will change from Interim Monitoring Officer to Monitoring Officer with effect from the date of commencement of her employment with Cardiff Council.

Legal Implications

6. Section 5 of the Local Government and Housing Act 1989 imposes a statutory duty on the Council to designate one of its officers, to be known as

the Monitoring Officer, to carry out the statutory duties of Monitoring Officer under that Act. Those duties are primarily to ensure the lawfulness and fairness of the Council's decision making.

7. The Act also requires the Council to provide the Monitoring Officer with sufficient staff, accommodation, and other resources to allow the duties of the role to be performed.
8. The appointment of the Director of Governance and Legal Services may be made by the Appointments Committee under its approved terms of reference and in accordance with the Employment Procedure Rules. However, Article 11.1(b) of the Constitution requires that the designation of the Monitoring Officer is made by Council.

Financial Implications

9. There are no financial implications as a result of this report

RECOMMENDATION

It is recommended that Council:

1. Notes the appointment by the Appointments Committee of Debbie Marles as the Director of Governance and Legal Services, to take effect on or before 25th July 2024, with the exact date to be confirmed; and
2. Designates Debbie Marles as the Council's Monitoring Officer, pursuant to Section 5 of the Local Government and Housing Act 1989, with effect from the date of commencement of her employment (in accordance with recommendation 1 above).

Paul Orders Chief Executive 14th March 2024

Background Papers

Report to Council, 'Appointment of Director of Governance and Legal Services and Monitoring Officer', 21st September 2023: [CARDIFF COUNTY COUNCIL \(moderngov.co.uk\)](https://www.moderngov.co.uk/council/council-agenda/2023/21-09-2023/council-agenda-21-09-2023)

Report to Full Council 26 October 2023

Appointments Committee, 16th January 2024: [Agenda for Appointments Committee - Director Governance and Legal Services and Monitoring Officer on Tuesday, 16th January, 2024, 12.30 pm : Cardiff Council \(moderngov.co.uk\)](https://www.moderngov.co.uk/council/council-agenda/2024/16-01-2024/council-agenda-16-01-2024)