

Meeting **COUNCIL**
Date **25 January 2023**



APPOINTMENT OF INTERIM MONITORING OFFICER

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1. PURPOSE

- 1.1 To appoint an Interim Monitoring Officer in accordance with s5 Local Government and Housing Act 1989.

2. RECOMMENDATIONS

- 2.1 That Mr Simon Pugh be appointed as the Council's Interim Monitoring Officer, with immediate effect and until further notice.

3. BACKGROUND

- 3.1 Under s5 Local Government and Housing Act 1989 the Council must designate one of its officers as its Monitoring Officer.
- 3.2 The Monitoring Officer is responsible for producing a report where they are of the opinion that any proposal, decision or omission of the Council, its committees or sub-committees or anyone employed by the Council is, or is likely to be, illegal or to constitute maladministration. The Monitoring Officer is also responsible for maintaining the register of Members' interests and for administering the arrangements for considering complaints of breaches of the Members' Code of Conduct.
- 3.3 In May 2022, the Council appointed John Oakley, Assistant Chief Legal Officer at Hertfordshire County Council, as Monitoring Officer. Mr Oakley is currently on indefinite long-term sick leave and it is therefore necessary to appoint an interim Monitoring Officer with immediate effect until further notice.

- 3.4 The County Council has agreed to second Mr Simon Pugh to Stevenage Borough Council under s113 Local Government Act 1972 to fulfil the role of Interim Borough Solicitor. Under s113 (2) he will remain employed by the County Council, but for the purposes of any enactment relating to the discharge of local authorities' functions is to be treated as an officer of Stevenage Borough Council. He is therefore eligible for appointment by Stevenage Borough Council as its Monitoring Officer.
- 3.5 Simon Pugh will be the Lead Lawyer for the Shared Legal Service and will be responsible for the day to day operation of the service.

4. REASONS FOR RECOMMENDED COURSE OF ACTION AND OTHER OPTIONS

- 4.1. Simon Pugh has proven experience and skills for this role having been employed as Head of Legal at Cambridge City Council for many years, followed by a period as Assistant Director, Law and Governance at Uttlesford District Council.

5. IMPLICATIONS

5.1. Financial Implications

The cost of the Monitoring Officer is paid by Stevenage Borough Council to Hertfordshire County Council in accordance with the Partnership Agreement relating to the Shared Legal Service.

5.2. Legal Implications

The legal implications are set out in the body of the report.

APPENDICES

None.

BACKGROUND DOCUMENTS

None.