

Meeting ANNUAL COUNCIL

Date 25 May 2022



APPOINTMENT OF MONITORING OFFICER

Authors Simon Banks (Ext. 2212)

Lead Officer Matt Partridge (Ext. 2456)

Contact Officer Ian Gourlay (Ext. 2216)

1. PURPOSE

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

2. RECOMMENDATIONS

- 2.1 That Mr John Oakley be appointed as the Council's Monitoring Officer with effect from 1 June 2022.

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 July 2020 Council appointed Simon Banks, Assistant Chief Legal Officer at Hertfordshire County Council, as Monitoring Officer. Mr Banks has resigned his employment with Hertfordshire County Council (effective as at

31 May 2022) and it is therefore necessary to appoint a new Monitoring Officer with effect from 1 June 2022.

- 3.4 The County Council has agreed to second Mr John Oakley to Stevenage Borough Council under s113 Local Government Act 1972. 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 John Oakley will be the Lead Lawyer for the Shared Legal Service from 1 June 2022 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. John Oakley has proven experience and skills for this role having been an Assistant Chief Legal Officer (Commercial Law, Dispute Resolution, Adults, Health and Education) at the County Council since 1st January 2015 and during that time has acted as Deputy Monitoring Officer. Mr Oakley previously acted as Deputy Monitoring Officer for the London Borough of Enfield Council and has provided advice, support and guidance on a range of projects to Stevenage Borough Council; this work has included supporting the Council's Commercial and Investment Working Group.

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.