

# Broads Authority

30 April 2021

Agenda item number 11

## Appointment of Monitoring Officer

Report by Chief Executive

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### Purpose

Formal appointment of a new Monitoring Officer.

### Recommended decision

The appointment of Mr Christopher Bing as the Authority's Monitoring Officer with effect from 15 May 2021, and formal thanks to Mrs Hilary Slater for her services as Monitoring Officer.

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## 1. Introduction

- 1.1. Under section 5 of the Local Government and Housing Act, the Broads Authority must appoint a Monitoring Officer. The Monitoring Officer is a statutory post and this appointment must be confirmed by the full Authority.
- 1.2. The Authority has a Section 113 Agreement with East Suffolk Council (ESC) to place the services of two of its officers, namely the Monitoring Officer (MO) and the Deputy Monitoring Officer (DMO), at the disposal of the Authority for the purposes of providing MO duties. The role of MO to the Broads Authority is currently undertaken by Mrs Hilary Slater, and the role of DMO by Mr Christopher Bing.
- 1.3. Mrs Slater has announced her intention to retire from ESC on 14 May. Mr Bing will be acting MO at the Council pending their recruitment process.
- 1.4. It is therefore proposed to appoint Mr Christopher Bing as the MO to the Broads Authority with effect from 15 May 2021. As noted in the report to the Authority on 25 June 2020, Mr Bing is an experienced Solicitor and MO with experience of advising members on interests, providing procedural advice at meetings, delivering member training, and carrying out investigations into Code of Conduct complaints.
- 1.5. The appointment of a DMO is at the discretion, and a personal appointment, of the MO. It is Mr Bing's intention, if appointed as the MO, to appoint Mrs Jacqui Bullen as DMO. Mrs Bullen is East Suffolk Council's Planning Lead Lawyer and has experience of the DMO role from her employment at Kings Lynn and West Norfolk Borough Council.

## 2. Role of the Monitoring Officer

- 2.1. The requirement to appoint a Monitoring Officer, and the functions of the Monitoring Officer, are set out in section 5 of the Local Government and Housing Act 1989 (LGHA 1989), as amended by schedule 5, paragraph 24 of the Local Government Act 2000.
- 2.2. The Authority is required to designate one of its officers as a 'monitoring officer' and 'to provide that officer with such staff, accommodation and other resources as are, in their opinion, sufficient to allow those duties to be performed'. The Monitoring Officer may be the Head of an Authority's Paid Service, but cannot be its Chief Finance Officer.
- 2.3. The duties of the Monitoring Officer include:
  - Reporting to the Authority in any case where the Monitoring Officer is of the opinion that any proposal or decision of the Authority has or is likely to give rise to any illegality or maladministration;
  - To be responsible for matters relating to the conduct of members and officers, including investigations into allegations about the conduct of members; and
  - To be responsible for the operation of the Authority's Constitution.
- 2.4. The first two duties are specific statutory requirements: the remainder flow from them.

## 3. Financial implications

- 3.1. ESC will continue to charge for the MO services in accordance with the terms of the Section 113 Agreement.

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Date of report: 16 April 2021