

# **WAVERLEY BOROUGH COUNCIL**

## **COUNCIL**

**18 OCTOBER 2022**

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**Title:**

**APPOINTMENT OF JOINT MONITORING OFFICER**

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**Head of Service:** Tom Horwood, Joint Chief Executive

**Key decision:** N/A

**Access:** Open

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### **1. Purpose and summary**

- 1.1 In July and August 2021, Guildford and Waverley Borough Councils both considered options for collaboration and agreed to put in place governance arrangements for the partnership, and to create a Joint Management Team (JMT) comprising Chief Executive, Directors and Heads of Service.
- 1.2 Following a recruitment exercise, the Joint Executive Heads of Service have taken up their posts with effect from 1 October 2022. Two vacant posts exist, including the post of Executive Head of Legal and Democratic Services who will also take on the role of Joint Monitoring Officer.
- 1.3 While Robin Taylor has retained his former role of Monitoring Officer up to now, it is proposed to appoint Stephen Rix to the role of Joint Monitoring Officer until the Joint Executive Head of Legal and Democratic Services is appointed. In the meantime, we have agreed that Stephen will cover the Joint Executive Head of Legal and Democratic Services with effect from 10 October 2022 until a permanent appointment is made.
- 1.4 Prior to 10 October 2022, Stephen was the Lead Legal Specialist (Interim) & Monitoring Officer at Guildford Borough Council and Borough Solicitor (Interim) at Waverley Borough Council and remains the Monitoring Officer for Guildford. Stephen is a highly experienced local government lawyer and has held the statutory role of Monitoring Officer at other councils.

### **2. Recommendation**

That Stephen Rix be designated the Council's Monitoring Officer..

### **3. Reason for the recommendation**

- 3.1 To appoint a Joint Monitoring Officer for Waverley Borough Council.

### **4. Background**

- 4.1 The 1989 Local Government and Housing Act (Section 5) provides that the Council must designate one of its officers to be the Monitoring Officer. The Monitoring officer may not also be the Head of Paid Service or the Council's Chief Finance Officer. The Monitoring Officer has power, under Sections 5 and 5A of the 1989 Act, to nominate deputies.
- 4.2 The monitoring officer has three main duties:
- 1) To report on matters he or she believes are, or are likely to be, illegal or amount to maladministration
  - 2) To be responsible for matters relating to the conduct of councillors and officers; and
  - 3) To be responsible for the operation of the Council's constitution
- 4.3 The full Council may only make or approve the appointment where no well-founded objection has been made by the Leader on behalf of the Executive in accordance with the provisions of Part II of Schedule 1 of the Local Authorities (Standing Orders) (England) Regulations 2001.

## **5. Relationship to the Corporate Strategy and Service Plan**

- 5.1 The Joint Monitoring Officer will play a pivotal role in the delivery of Guildford and Waverley Borough Councils' aspirations set out in the respective Corporate Plan and Corporate Strategy. The appointment reflects the next step in both councils' strategic aim of exploring shared opportunities with other local authorities for the benefit of local residents.

## **6. Implications of decision**

### **6.1 Resource (Finance, procurement, staffing, IT)**

- 6.1.1 The proposal entails no extra cost for Waverley Borough Council.

### **6.2 Risk management**

- 6.2.1 The Collaboration Risk Assessment was approved by both Councils at their April 2022 meetings. It was also resolved to establish a Joint Governance Committee which will have responsibility for monitoring the risk register periodically.

### **6.3 Legal**

- 6.3.1 The proposals in this report are compliant with the Council's constitution and with statute.

### **6.4 Equality, diversity and inclusion**

- 6.4.1 All public authorities are required by the Equality Act 2010 to specifically consider the likely impact of their policy, procedure or practice on certain groups in society.
- 6.4.2 It is our responsibility to ensure that our policies, procedures and service delivery do not discriminate, including indirectly, on any sector of society. Council policies, procedures and service delivery may have differential impacts on certain groups

with protected characteristics, and these will be highlighted in the Equalities Impact Assessment (EqIA) screening and mitigations identified if necessary.

- 6.4.3 An EqIA screening was carried out for the Joint Management Team restructuring activity. As a result of assessment at this point, it is concluded that the restructuring activity will not have a negative impact on those with protected characteristics, neither does it reflect the potential for discrimination. It is considered that the Council is acting in accordance with the public sector equality duty contained in section 149 of the Equality Act 2010.

## **6.5 Climate emergency declaration**

- 6.5.1 The climate change emergency declaration and the urgent target for net zero carbon by 2030 is a critical objective for both councils. While no specific impacts on the climate emergency declaration have been identified as a consequence of this report's recommendations, the Council will be assessing and prioritising the environmental, climate and carbon impacts of any proposals that emerge.

## **7. Consultation and engagement**

- 7.1 The consultation process is referred to earlier in the report.

## **8. Other options considered**

- 8.1 The proposal seeks to gain Council agreement to designate a Monitoring Officer.

## **9. Governance journey**

- 9.1 Waverley Full Council – 18 October 2022

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### **Background Papers**

There are no background papers, as defined by Section 100D(5) of the Local Government Act 1972).

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