

EAST HERTS COUNCIL

COUNCIL- 18 DECEMBER 2019

REPORT BY THE CHIEF EXECUTIVE

REPORT TITLE: APPOINTMENT OF MONITORING OFFICER

WARD(S) AFFECTED:

---

**Purpose/Summary of Report**

- In accordance with s5 of the Local Government and Housing Act 1989, James Ellis to be confirmed as the Council's Monitoring Officer

<b>RECOMMENDATIONS FOR COUNCIL: That:</b>	
<b>(A)</b>	<b>Agree to the appointment of James Ellis as the Council's Monitoring Officer.</b>

1.0 Background

1.1 Under s5 of the Local Government & Housing Act 1989 (as amended) the Council has a duty to appoint a Monitoring Officer.

2.0 Report

2.1 After an extensive and open recruitment process led by the Chief Executive, James Ellis, was successfully appointed to the position of Head of Legal and Democratic Services and the Council's Monitoring Officer, with a start date of 3 February 2020.

- 2.2 Chapter 10, paragraph 10.1 (g) of the Constitution provides that the appointment of the Monitoring Officer and Chief Financial Officer (s151 officer) are to be carried out by the Chief Executive and ratified by Council.
- 2.3 Under the legislation, neither the Head of Paid Service nor the Chief Finance Officer can hold the position of Monitoring Officer. There is no statutory requirement for the position to be held by a legally qualified officer.
- 2.4 The Monitoring Officer has a number of statutory duties and responsibilities relating to the Council's Constitution and our arrangements for effective governance. These duties include maintaining the Constitution, ensuring that no decision or omission of the Council is likely to give rise to illegality or maladministration and promoting high standards of conduct. A full list of the Monitoring Officer's responsibilities and delegated powers is included within the Council's Constitution.

### 3.0 Implications/Consultations

- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

### Background Papers

None

Contact Member: Councillor George Cutting – Executive Member for Corporate Services  
[george.cutting@eastherts.gov.uk](mailto:george.cutting@eastherts.gov.uk)

Contact Officer: Jonathan Geall, Acting Head of Legal and

Democratic Services  
Contact Tel No 01992 531 594  
*jonathan.geall@eastherts.gov.uk*

Report Author: Jonathan Geall, Acting Head of Legal and  
Democratic Services  
Contact Tel No 01992 531594  
*alison.stuart@eastherts.gov.uk*