



North Devon Council

Report Date: 20th October 2021

Topic: Appointment of Senior Solicitor and Monitoring Officer

Report by: Director of Resources and Deputy Chief Executive

1. INTRODUCTION

- 1.1. Under section 5 Local Government and Housing Act 1989 a local authority is required to appoint one of its officers as Monitoring Officer
- 1.2. The role of the Monitoring officer is to ensure that the Council is acting lawfully at all times. There is also a secondary role to deal with complaints regarding breaches of the Code of Conduct.
- 1.3. Following the retirement of the previous Monitoring Officer, Trevor Blatchford, there is now a requirement to appoint a new Monitoring officer in order to comply with the legislative requirements.
- 1.4. The Appointments Committee have carried out an interview process to appoint the post of Senior Solicitor and Monitoring Officer and the recommendations below reflect their decision.
- 1.5. The appointment requires ratification by Full Council as it is a statutory Chief Officer post, carrying the Monitoring Officer role.

2. RECOMMENDATIONS

- 2.1. That Simon Fuller be appointed to the role of Senior Solicitor and Monitoring Officer.
- 2.2. The appointment to commence on the 21st October 2021.

3. REASONS FOR RECOMMENDATIONS

- 3.1. To give effect to the recommendations of the Appointments Committee
- 3.2. To ensure that the statutory role is filled.

4. REPORT

- 4.1. The role of the Monitoring Officer is varied but the primary purpose is to ensure that the Council acts lawfully. Whilst it is not a statutory requirement, it is normal for the Monitoring Officer to be legally qualified.
- 4.2. The Monitoring Officer is one of the three statutory officers that a Council must appoint alongside the Chief Finance Officer and the Head of Paid Service.
- 4.3. Following the retirement of the previous Monitoring Officer, Trevor Blatchford, it is now necessary to appoint a new Monitoring Officer.

- 4.4. The post was advertised externally and, following shortlisting, interviews were conducted by the Appointments Committee. Their recommendation to Full Council is that Simon Fuller, the current Solicitor and Data Protection Officer, be appointed to the role, a recommendation supported by the Director of Resources and Deputy Chief Executive.

5. RESOURCE IMPLICATIONS

- 5.1. There are none arising from this report.

6. EQUALITIES ASSESSMENT

- 6.1. There are not any equalities implications anticipated as a result of this report.

7. CONSTITUTIONAL CONTEXT

- 7.1. Article 4.5.11 states that the appointment of the Monitoring Officer is a function of Full Council and the Council's employment Rules say similarly.

8. STATEMENT OF CONFIDENTIALITY

- 8.1. This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

9. BACKGROUND PAPERS

- 9.1. The following background papers were used in the preparation of this report:
(The background papers are available for inspection and kept by the author of the report).

None

10. STATEMENT OF INTERNAL ADVICE

- 10.1. The author (below) confirms that advice has been taken from all appropriate Councillors and Officers.