

Slough Borough Council

Report To: Council
Date: 25 January 2024
Contact Officer: Surjit Nagra
Ward(s): All

PART I **FOR DECISION**

APPOINTMENT OF DIRECTOR OF LAW AND GOVERNANCE - MONITORING OFFICER

1. Summary and Recommendations

1.1 This report sets out arrangements for the appointment to the Director of Law and Governance – Monitoring Officer role which is a statutory role.

Recommendations:

Council is recommended to:

- a) Note the decision by the Commissioners to appoint and designate Sukdave Ghuman as Director of Law and Governance - Monitoring Officer, with effect from 7th May 2024.
- b) Thank Stephen Taylor for his service as Monitoring Officer since October 2022.

Reason: The Council is required to have officers in place to cover the above statutory role.

Commissioner Review

No further comments from Commissioners.

2. Report

Introductory paragraph

2.1 Effective, transparent, and equitable democratic and decision-making processes are an essential pre-requisite to the delivery of all the Council's priorities.

Options considered

The Council is required to have in place an officer to cover the above statutory role.

Background

2.2 The current Monitoring Officer, Stephen Taylor, was appointed on a part time basis to hold office for up to two years with effect from October 2022. He has advised that it is now appropriate that a full time Monitoring Officer be appointed, and the Council selected a recruitment agency to undertake a thorough and detailed search for his successor.

2.3 Having completed that recruitment process, the report asks Council to note the decision by the Commissioners to appoint Sukdave Ghuman and to designate him as the Council's Monitoring Officer. The designation will take effect from his commencement date on May 7th 2024, although Mr Ghuman may commence work earlier to ensure an effective handover with the current Monitoring Officer.

2.4 Whilst the decision to designate an officer as the Monitoring Officer is normally a decision for full council, the power to appoint and dismiss the three statutory governance officers is covered by the DLUHC statutory direction. Mr Ghuman was interviewed by members of the Appointments Committee and this committee made a recommendation to the Commissioners that he be appointed to the role of Director of Law and Governance – Monitoring Officer.

3. Implications of the Recommendation

3.1 Financial implications

3.1.1 The Director of Law and Governance - Monitoring Officer is budgeted for as previously reported through the senior management restructure.

3.2 Legal implications

3.2.1 The designation of a Monitoring Officer is a statutory requirement under Section 5 of the Local Government & Housing Act 1989. The Council has the right to designate and appoint the Monitoring Officer. The appointment of a Monitoring Officer would normally be a decision reserved to elected members in accordance with Part 4.7 of the Council's Constitution. However, under a statutory direction made by the Secretary of State for Levelling-Up, Housing and Communities, certain functions are to be exercised by the appointed Commissioners, either acting alone or jointly. This includes the function to appoint to the position of Monitoring Officer and to determine the terms and conditions of employment of such an officer.

3.2.2 The Secretary of State confirmed an expansion of the directions on 1st September 2022 to enable Commissioners to exercise the following additional function: "All functions to define the officer structure for the senior positions, to determine the recruitment processes and then to recruit the relevant staff to those positions." Senior positions are defined as direct reports to the Chief Executive, their direct reports, and their Group Managers – tiers one, two and three.

3.3 Risk management implications

3.3.1 The post of a Monitoring Officer is a statutory post. This role plays a key role in ensuring effective corporate governance. As the Council continues its improvement journey, it is important that there is sufficient capacity and expertise in place to fulfil this function.

3.4 Environmental implications

3.4.1 There are no environmental implications arising from this report.

3.5 Equality implications

3.5.1 The statutory post holder will take account of the Council's duties under the Equality Act 2010. The Council is bound by the requirements of the Equality Act 2010. This will

include considerations in relation to reasonable adjustments to enable voters with disabilities to vote.

4. Appendices

Appendix 1 - Decision of Best Value Commissioners dated 15 January 2024

5 Background Papers

None