

# Appointment of Monitoring Officer



**Report to:** Full Council

**Date:** 11 April 2024

**Lead Officer:** Yvonne Rees, Interim Chief Executive Officer

## Recommended that:

- A** Julie Galvin be appointed as the council's Monitoring Officer (MO) under section 5 of the Local Government and Housing Act 1989 (as amended). The appointment to take immediate effect.

## Background

1. The previous Monitoring Officer left the council with effect from 6 April 2024.
2. The Local Government and Housing Act 1989, section 5 requires an Authority to designate one of their Officers to perform the Monitoring Officer duties which includes:
  - a) The duty to consider proposals and prepare a report for consideration by the Authority if a proposal is likely to give rise to a contravention of any enactment, rule of law or any code of practice; or
  - b) Likely to lead to any maladministration or failure as is mentioned in Part 3 of the Local Government Act 1974 (Local Commissioners)

## Issues/Proposals

3. The council is required by law to appoint a Monitoring Officer. The Monitoring Officer has several statutory duties and responsibilities relating to the council's Constitution and the 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 in the council's Constitution at (Part 2 (Article 11.6)).
4. Neither the Head of Paid Service nor the Section 151 Officer can hold the position of Monitoring Officer. Whoever is appointed must ensure that the Council receives the correct and appropriate advice on the lawfulness of its decision making.

5. Julie Galvin started her career in the City of London working for international banks and financial institutions. She was admitted as a Solicitor (dual qualified Legal Executive and Solicitor) in January 2011 and holds a Law Society Post Graduate Diploma in Local Government Law and Practice.
6. Julie has been with Harlow Council for 20 years and contributed to many significant initiatives during that time:
  - a) Lead officer for procurement, supporting activity for the Harlow Science Park, the governance and legals to create HTS Group, and significant property transactions (e.g Burnt Mills).
  - b) Deputy Monitoring Officer since 2020.
  - c) Data Protection Officer since 2020.
  - d) Served as deputy chair for the Public Law Group in Essex for two years.
  - e) Current member of ARU Legal Advisory Board.

## **Implications**

### **Equalities and Diversity**

The Council is an equal opportunity employer – nothing specific to this role.

### **Climate Change**

None specific.

### **Finance**

The statutory roles are fully funded positions within the current establishment and as such the cost of this appointment can be met from within existing resources.

Author: Jacqui Van Mellaerts, Assistant Director - Finance

### **Governance and Corporate Services.**

As contained in the report

Author: Yvonne Rees, Interim Chief Executive Officer

### **Appendices**

None.

### **Background Papers**

None.

### **Glossary of terms/abbreviations used**

None.