

Appointment of Monitoring Officer



Report to: Full Council

Date: 27 March 2025

Portfolio Holder: Councillor Dan Swords, Leader of the Council

Lead Officer: James Gardner, Managing Director

Executive Summary

A The council is required under Section 5 of the Local Government and Housing Act 1989 (as amended) to designate a Monitoring Officer at all times. The council has successfully recruited Ms Farida Hussain to the new role of Assistant Director – Legal and Democratic Services and plans for Ms Hussain to be designated as Monitoring Officer and Data Protection Officer. However, Ms Hussain will not start with the council until 7 July 2025 and, therefore, the council has appointed Mr Daniel Dickinson as the Interim Assistant Director – Legal and Democratic Services. It is recommended that Mr Dickinson is designated as the Monitoring Officer and Data Protection Officer from 28 March 2025 until Ms Hussain takes up her new role.

Recommended that:

- A** In line with the requirements under section 5 of the Local Government and Housing Act 1989 (as amended), Mr Daniel Dickinson be designated as the council's Monitoring Officer with effect from 28 March 2025 until 6 July 2025.
- B** In line with the requirements under section 5 of the Local Government and Housing Act 1989 (as amended), Mr Farida Hussain be designated as the council's Monitoring Officer with effect from 7 July 2025.
- C** Council notes that the Monitoring Officer will also be the council's Data Protection Officer in line with the Data Protection Act 2018.

Reason for decision

- A** The Local Government and Housing Act 1989 requires the council to have a Monitoring Officer designated at all times. This is a matter reserved to Full Council upon the recommendation of the Leader of the Council and/or the Head of Paid Service and/or the Appointments Panel.

Other Options

A None – the council has followed all legislative and constitutional requirements.

Background

1. Section 5 of the Local Government and Housing Act 1989 requires an authority, by resolution of Full Council, to designate one of their officers to perform the Monitoring Officer duties which are set out in Part 2, Article 11 of the council's constitution. Neither the Head of Paid Service nor the Section 151 Officer can hold the position of Monitoring Officer.
2. The role of Monitoring Officer was fulfilled by the Legal Services Manager who left the council on 21 February 2025. Since that date, the role of Monitoring Officer has been ably discharged by Rebecca Farrant (Assistant Director – Corporate Services and Improvement). However, it is best practice for that role to be held by a legally qualified officer.
3. The council has implemented a new Executive Management Team structure which includes the role of Assistant Director – Legal and Democratic Services with the intention of the postholder also being the Monitoring Officer as a legally qualified officer.
4. Following a competitive recruitment process, the council has appointed Ms Farida Hussain to the role of Assistant Director – Legal and Democratic Services with a start date of 7 July 2025. Consequently, Mr Daniel Dickinson has been appointed as Interim Assistant Director – Legal and Democratic Services to ensure continuity in the role and an effective handover to Ms Hussain.

Issues/Proposals

5. Given this appointment, it is recommended that Ms Farida Hussain is designated as the council's Monitoring Officer with effect from 7 July 2025 and that Mr Daniel Dickinson is designated as the council's Monitoring Officer with effect from 28 March 2025 until 6 July 2025.
6. Ms Hussain has worked in local government in a legal capacity for over twenty years, both in district and unitary councils in Surrey, Hertfordshire, Bedfordshire and London. She has held both Deputy Monitoring Officer and Monitor Officer roles since 2017 and has extensive experience managing multi-disciplinary teams.
7. Mr Dickinson has been a local authority lawyer for twenty years with a background in highways, planning, regeneration and regulatory law. He has operated at Director/Deputy Director (including Monitoring/Deputy Monitoring Officer responsibilities) level for eleven years, covering the full range of legal and governance functions in district, unitary, London borough and combined authority settings.

8. In line with the Data Protection Act 2018, the council is also required to designate a Data Protection Officer to fulfil as defined in the Act. The Monitoring Officer will also be the Data Protection Officer and therefore, this designation will align with the designation of the Monitoring Officer roles as detailed in this report.

Implications

Equalities and Diversity

The council is an equal opportunity employer and has conducted its recruitment processes in accordingly.

Climate Change

None.

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 and Deputy Section 151 Officer

Governance

The council is required by law to appoint certain Officers to undertake specific duties by statute. These three posts of Head of Paid Service, Monitoring Officer and Chief Finance Officer form the golden triangle in support of proper and transparent governance. The designation is a matter which is reserved to Full Council and all appropriate governance processes have been followed.

Author: Daniel Dickinson, Assistant Director – Legal and Democratic Services (Interim)

Appendices

None.

Background Papers

None.

Glossary of terms/abbreviations used

None.