

## DESIGNATION OF STATUTORY ROLE – MONITORING OFFICER

### 1 PURPOSE OF REPORT

- 1.1 To designate the statutory role of Monitoring Officer to Emily Yule (Strategic Director) from 1 June 2023.

### 2 INTRODUCTION

- 2.1 The Council has recently undergone a restructure of the Leadership Team at Tiers 2 and 3 and has not yet recruited to the permanent role of Director of People and Governance.
- 2.2 Under legislation, the Council must designate to the statutory role of Monitoring Officer.
- 2.3 The current Monitoring Officer role is designated to Andrew Hunkin (Interim Director of People & Governance) who will be retiring on 31 May 2023.
- 2.4 Emily Yule has extensive Monitoring Officer experience and will be able to undertake this role and balance it against her other duties. She will look at the options for appointing Deputy Monitoring Officers to provide further resilience.

### 3 RISK IMPLICATIONS

- 3.1 The Council will be in breach of its legal obligations if it fails to properly designate to this statutory role.

### 4 RESOURCE IMPLICATIONS

- 4.1 There are none arising from this report.

### 5 LEGAL IMPLICATIONS

- 5.1 Under legislation the Council has a duty to appoint three Statutory Officers - Head of Paid Service, Monitoring Officer and Section 151 Officer.
- 5.2 The Monitoring Officer has a number of statutory duties under section 5 of the Local Government and Housing Act 1989 (as amended) to ensure there are 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.
- 5.3 Neither the Head of Paid Service nor the Section 151 Officer is permitted to hold the role of Monitoring Officer. There is no statutory requirement for the Monitoring Officer to be legally qualified.

**6 PARISH IMPLICATIONS**

- 6.1 The Parish Councils will be notified of the designation of the new Monitoring Officer.

**7 EQUALITY AND DIVERSITY IMPLICATIONS**

- 7.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires the Council to have regard to the need to:-
- Eliminate unlawful discrimination, harassment and victimisation.
  - Advance equality of opportunity between people who share a protected characteristic and those who do not.
  - Foster good relations between those who share a protected characteristic and those who do not.
- 7.2 The Equality Impact Assessment (EIA) indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

**8 RECOMMENDATION**

- 8.1 It is proposed that Council **RESOLVES**
- (1) That Emily Yule be designated as the Monitoring Officer for the Council.
  - (2) That the Monitoring Officer makes any necessary subsequent changes to the Council's Constitution.



Jonathan Stephenson

Chief Executive

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**Background Papers:-**

None.

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