



# Report to Council

29 FEBRUARY 2012

**LEADER**

*Councillor Stephen Greenhalgh*

**INTERIM DIRECTOR OF LEGAL SERVICES**

**WARDS  
All**

**SYNOPSIS**

This report deals with the appointment of an Interim Monitoring Officer pursuant to Section 5 of the Local Government and Housing Act 1989.

**CONTRIBUTORS**

EDFCG  
ADLDS

**RECOMMENDATIONS:**

1. That Janette Mullins, Head of Litigation, be appointed Monitoring Officer from 1 April 2012 until the new Bi-Borough Director of Legal Services takes up their appointment.
2. That the interim management arrangements for Legal and Democratic Services be noted.

## **1. BACKGROUND**

- 1.1 The Assistant Director (Legal and Democratic Services) will leave the authority on 31 March to take up the post of Comptroller and City Solicitor at the City of London Corporation. A recruitment exercise is underway and the Appointments Panel will meet as soon as practicable to consider the final shortlisted applicants. As a result there is likely to be a gap of several months before the successful candidate is able to take up their appointment. The interim arrangements for the management of the Bi-Borough Legal Services Team are set out in the Appendix. It is proposed that the Head of Litigation, Janette Mullins, be appointed as Monitoring Officer from 1 April until the new Director takes up his or her post.
- 1.2 It is necessary for the Council to appoint an officer to discharge the duties of Monitoring Officer pursuant to Section 5 of the Local Government and Housing Act 1989. The statutory role of the Monitoring Officer is to act as a “whistle-blower”, and prepare a report to Cabinet or Council as appropriate, where he or she considers that an act or proposed act of the authority is unlawful or where there is a finding of maladministration by the Ombudsman. The Monitoring Officer also discharges various statutory functions under the Standards regime.
- 1.3 The Monitoring Officer has the power to appoint a deputy where he or she is unavailable or unable to act. This is a power conferred on the Monitoring Officer and not the Authority.

## **2. COMMENTS OF THE ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC SERVICES)**

- 2.1 These are contained in the body of the report.

## **3. COMMENTS OF THE EXECUTIVE DIRECTOR OF FINANCE AND CORPORATE GOVERNANCE**

- 3.1 There are no direct financial implications.

### **LOCAL GOVERNMENT ACT 2000** **LIST OF BACKGROUND PAPERS**

<b>No.</b>	<b>Description of Background Papers</b>	<b>Name/Ext. of Holder of File/Copy</b>	<b>Department/ Location</b>
	NONE		

# APPENDIX 1

## Director of Legal Services

### Interim Arrangements

His last day with the Council is 31 March 2012. Whilst recruitment is underway it is unlikely that his successor will take up their appointment until June. The following interim arrangements will therefore take effect from 1 April.

1. LeVerne Parker, Chief Solicitor (RBKC) will assume responsibility for the RBKC arm of the combined Legal Team and chairmanship of the Single Legal Management Team. Kevin Beale, Head of C&CS (H&F) and Janette Mullins, Head of Litigation (H&F), will report to her.
2. Janette Mullins will assume the role of Monitoring Officer for LBHF subject to confirmation by Full Council on 29 February. She will meet with Jane West once a month in this capacity.
3. Kevin Beale will assume management responsibility for Marcia French, Legal Practice Manager.
4. Kayode Adewumi, Head of Governance and Scrutiny, and Steve Miller, Electoral Services Manager, will report to Jane West.
5. Peter Large Head of Legal Services at WCC will assume the lead lawyer role for Tri-Borough.
6. His other on going matters will be allocated to appropriate officers and the client departments informed.