

## ABERDEEN CITY COUNCIL

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COMMITTEE	Urgent Business Committee
DATE	2 April 2015
LEAD OFFICER	Chief Executive
TITLE OF REPORT	Interim Arrangements for Head of Legal and Democratic Services and Monitoring Officer
REPORT NUMBER	OCE/15/011
CHECKLIST COMPLETED	Yes

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### 1. PURPOSE OF REPORT

This report puts arrangements in place to provide cover for the post of Head of Legal and Democratic Services and the statutory role of Monitoring Officer until the recently appointed candidate takes up the post.

### 2. RECOMMENDATION(S)

The Committee is recommended:-

- (1) To appoint the Head of Procurement to provide strategic managerial direction to Legal and Democratic Services until the recently appointed candidate takes up post;
- (2) To authorise the four service managers in Legal and Democratic Services to act up into the duties of the Head of Legal and Democratic Services specific to their post set out in Standing Orders, the Scheme of Delegation and job profile during this period;
- (3) To suspend Standing Order 42(3) insofar as it requires that the Head of Legal and Democratic Services shall be the Monitoring Officer and to appoint the Head of Procurement to that position until such time as the recently appointed candidate takes up post; and
- (4) Notwithstanding (2) above, during the same period to appoint Alyson Mollison, Legal Manager, as Clerk to the Licensing Board and Karen Donnelly, Legal Manager, as Appointed Person for the Pensions Scheme and as Data Controller.

### 3. FINANCIAL IMPLICATIONS

Acting up allowances will be payable and will be within budget.

### 4. OTHER IMPLICATIONS

The Council has a statutory obligation to have a monitoring officer in post.

## 5. BACKGROUND/MAIN ISSUES

The current Head of Legal and Democratic Services demits office on 6 April and the Council is required to have a Monitoring Officer in place until the recently appointed candidate takes up post. This could take up to twelve weeks. This report accordingly proposes that the Head of Procurement be appointed as Monitoring Officer during this period and also provide strategic direction to the service. This is in addition to the duties of his substantive role.

The four service managers in Legal and Democratic Services will act up into the duties of the Head of Legal and Democratic Services appropriate to their post as contained in Standing Orders, the Scheme of Delegation and job profile. Certain other posts also require a named officer as set out in the fourth recommendation in this report.

## 6. IMPACT

Corporate – It is a statutory requirement that the Council has a Monitoring Officer in post; it is also necessary to have acting up arrangements in place to provide leadership to and oversight of Legal and Democratic Services in the period leading up to the new postholder assuming office.

Public – Whilst this is essentially an internal matter, there will be public interest in the arrangements for covering the statutory position of Monitoring Officer.

## 7. MANAGEMENT OF RISK

The Council is required by virtue of section 5 of the Local Government and Housing Act 1989 to designate one of its officers as the Monitoring Officer. To fail to make such an appointment would be a breach of statutory duty. There is also a duty to appoint named officers to certain posts specified in this report. In addition, appointing an Acting Head of Service provides leadership and direction in the period prior to the new postholder taking up office and so minimises risk.

## 8. BACKGROUND PAPERS

None

## 9. REPORT AUTHOR DETAILS

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