

Report to: Meeting of the Full Council: 21 October 2025

Relevant Portfolio Holder: Councillor Paul Peacock, Strategy, Performance & Finance

Director Lead: John Robinson, Chief Executive

Report Summary	
Report Title	Appointment of the Council's Monitoring Officer
Purpose of Report	This report proposes the appointment of Francesca Whyley as the Council's Monitoring Officer and the Director – Resources and Section 151 Officer, Sanjiv Kohli as Senior Responsible Officer (Regulation of Investigatory Powers Act (RIPA))
Recommendations	That Council: a) approves the appointment of Francesca Whyley as the Council's Monitoring Officer with immediate effect; b) approves the appointment of Sanjiv Kohli as Senior Responsible Officer (RIPA) with immediate effect; and c) subject to (a) give delegated authority to the Monitoring Officer to make minor consequential amendments to the constitution given references to the Assistant Director - Legal & Democratic Services.
Reason for Recommendation	Under Section 5 of the Local Government & Housing Act 1989, the Council has a duty to appoint a Monitoring Officer. Part 4.41 Covert Surveillance and Property Interference Code of Practice (Accessible) provides that it is best practise for a Council to appoint a Senior Responsible Officer (RIPA) and that individual to be a member of the Senior Leadership Team.

1.0 Background and Proposal

- 1.1 The appointment of a Monitoring Officer is a matter reserved for Full Council. The Monitoring Officer has a number of statutory duties and responsibilities relating to the Council's constitution and the arrangements for effective governance. These duties include:
- 1.1.1 To report on matters believed to be, or likely to be, illegal or amount to maladministration
 - 1.1.2 To be responsible for matters relating to the conduct of councillors and officers
 - 1.1.3 To be responsible for the operation of the Council's constitution

- 1.2 As Members will be aware, Sue Bearman, Assistant Director - Legal & Democratic Services and the Council's Monitoring Officer, has recently left the Council for alternative employment. Under normal circumstances, the post would be filled on a like for like basis with the continued attachment of the designation of Monitoring Officer.
- 1.3 However, under Local Government Re-organisation, all of the options proposed will reduce the number of Councils to two and consequently, going forward only two Monitoring Officers would be required. To mitigate the risk of recruiting a new employee and placing them in a potential redundancy situation with the associated costs involved, the Chief Executive has reached out to a number of neighbouring authorities to explore the appetite to share their current post of Monitoring Officer.
- 1.4 Gedling Borough Council has provided legal services support to Newark & Sherwood over a number of years and their Monitoring Officer, Francesca Whyley, is someone who is known to Newark & Sherwood colleagues and is highly respected. Francesca is a qualified solicitor and considered to have the appropriate skills, experience and values required.
- 1.5 Agreement has been reached with Gedling Borough Council to share the Monitoring Officer services of Francesca Whyley, with Newark & Sherwood receiving support two days a week.
- 1.6 The Council's two Principal Legal Officers have also recently been designated as Deputy Monitoring Officers, which provides them with a valuable development opportunity, and they have been working alongside the Business Manager - Elections & Democratic Services who is also a Deputy Monitoring Officer. It is proposed that this arrangement will continue following the appointment of Francesca Whyley. Once appointed, Francesca Whyley will be invited to designate these three posts as Deputy Monitoring Officers to support her work with the Council.
- 1.7 Short-term locum support has also been sourced to ensure continuity of service, and to sustain the current level of resource commitment to Code of Conduct issues.
- 1.8 Following the appointment of Francesca Whyley as Monitoring Officer, minor amendments will need to be made to the Constitution to reflect such changes, specifically given there will be a transfer of relevant functions delegated to the Assistant Director - Legal & Democratic Services given that post will no longer be in existence.
- 1.9 In addition, the Assistant Director - Legal & Democratic Services held the role of the Senior Responsible Officer (RIPA). It is therefore proposed that this role be allocated to the Director – Resources as the most appropriate member of the Council's Senior Leadership Team.

3.0 Implications

In writing this report and in putting forward recommendations, officers have considered the following implications: Data Protection; Digital & Cyber Security; Equality & Diversity; Financial; Human Resources; Human Rights; Legal; Safeguarding & Sustainability and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

Financial Implications FIN25-26/8332

- 3.1 The cost of the arrangements referred to above will met be met from existing salary budgets, namely the vacant post of Assistant Director, Legal and Democratic Services.

Legal Implications LEG2526/3876

- 3.2 Under Section 5 of the Local Government & Housing Act 1989, the Council has a duty to appoint a Monitoring Officer.
- 3.3 In addition, Section 5(1)(b) Local Government and Housing Act 1989 provides that sufficient staff and resource be provided to perform the Monitoring Officer role and duties effectively.
- 3.4 Part 4.41 Covert Surveillance and Property Interference Code of Practice (Accessible) provides that it is best practise for a Council to appoint a Senior Responsible Officer (RIPA) and that individual is to be a member of the Senior Leadership Team.

Human Resources Implications

- 3.5 The services of the proposed appointee are being sought through an SLA with Gedling Borough Council, and no employment relationship will be created with the appointee.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

None