

APPOINTMENT OF DIRECTOR OF LEGAL SERVICES, STATUTORY MONITORING OFFICER AND DATA PROTECTION OFFICER

Meeting: Council

Date Of Meeting: 12 December 2024

Report Author(s): Kevin Foster, Strategic Director Corporate Resources | kevin.foster@woking.gov.uk

Lead Officer: Kevin Foster, Strategic Director Corporate Resources | kevin.foster@woking.gov.uk

Portfolio Holder: Cllr Ann-Marie Barker | Cllrann-marie.barker@woking.gov.uk

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Will the decision be open for call in (i.e. is it a key decision)?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

1.0 Purpose of Report

- 1.1 To note the decision of the Chief Executive in his capacity of Managing Director Commissioner to appoint Adesuwa Omoregie as the Council's Director of Legal and Democratic Services, Monitoring Officer and Data Protection Officer, to expedite her arrival in Woking.
- 1.2 This decision effected the conclusion of the Appointments Panel drawn from the Employment Committee following interviews held on 8th October 2024 . The appointments took effect on 11 November 2024.
- 1.3 The appointments were made under authority available to the Chief Executive as a Government-appointed Commissioner.

2.0 Recommendations

- 2.1 The Committee/Council is requested to:

RESOLVE That the appointment of Adesuwa Omoregie as the Council's Director of Legal and Democratic Services, Monitoring Officer and Data Protection Officer be noted.
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Reason for Decision

- 2.2 Woking Borough Council is required by legislation to appoint to the roles of Monitoring Officer and Data Protection Officer. The decision by the Chief Executive ensured that the roles were formally allocated by the Authority as soon as was practicable.

3.0 Proposal and Outcome

Monitoring Officer

- 3.1 The Authority must appoint a Monitoring Officer to comply with the provisions of Section 5 of the Local Government and Housing Act 1989 which state that:

It is the role of the Monitoring Officer to report on matters they believe to be illegal or amount to maladministration, to be responsible for matters relating to the conduct of councillors and officers and, to be responsible for the operation of the council's constitution. They are often, but not always, the head of legal services in a local authority.

Data Protection Officer

- 3.2 To comply with the provisions of [Part 3 of the Data Protection Act 2018](#), the Authority must appoint a Data Protection Officer (DPO).
- 3.3 Data protection officers (DPOs) assist in the monitoring of internal compliance, inform and advise on the Authority's data protection obligations, provide advice regarding Data Protection Impact Assessments (DPIAs) and act as a contact point for data subjects and the Information Commissioner.

Decision by the Chief Executive

- 3.4 Following the Ministerial announcement on 25 May last year and the Secretary of State's Directions pursuant to his powers under [section 15\(5\) and \(6\) of the Local Government Act 1999](#) issued on the same day, Commissioners have powers to exercise the functions of the Council relating to the appointment and designation of persons as statutory officers.
- 3.5 In this case, the Managing Director Commissioner has exercised his power to do so on behalf of the Authority, as provided by the Directions.

4.0 Background

Interview and Appointment

- 4.1 In September 2024, the interim Head of Legal and Democratic Services left the Council, to take up a promotion at Winchester City Council.
- 4.2 Members will be aware that the Council only recently noted the appointment of Suki Binjal, the Interim Head of Legal and Democratic Services, to the posts of Monitoring Officer and Data Protection Officer ([Council meeting on 26 September 2024](#)).
- 4.3 The Council was saddened and shocked to learn of the unexpected passing of Suki while on leave in October. Suki had been president of Lawyers for Local Government from 2017 to 2019 and had been a public sector solicitor for over 25 years, having worked for a number of local authorities.
- 4.4 Suki had joined Woking Borough Council in September as the Interim Director of Legal and Democratic Services following the resignation of the former Interim Director, to support the Council whilst a permanent Director was recruited.

Appointment of Statutory Officer Roles

- 4.5 The Council followed a thorough recruitment process for the permanent Director post. An executive recruitment agency was commissioned to seek the best prospective candidates through a national wide search, with a number of high-quality applications received in response.
- 4.6 Members of the Employment Committee were invited to form an Appointment Panel and were supported by the Executive Director of Corporate Resources and the Head of Human Resources. Following a comprehensive interview process, the Panel agreed that Adesuwa Omoregie should be offered the position.
- 4.7 As there was no interim in place at this time, the Chief Executive, in his capacity of Managing Director Commissioner, took a decision to appoint Adesuwa Omoregie as the Council's Director of Legal and Democratic Services, Monitoring Officer and Data Protection Officer, to expedite her arrival in Woking.
- 4.8 As part of the process, each Member of the Executive was given the opportunity to raise any 'well founded' objections to the candidate recommended by the Appointments Panel. No objections were received by the deadline given.

5.0 Options Considered

- 5.1 The Authority is required by the Local Government and Housing Act 1989 to appoint a Monitoring Officer. Similarly the Council has to appoint a Data Protection Officer, under the provisions of the Data Protection Act 2018.
- 5.2 These appointments must be made at a meeting of Council. However, the decision was taken to confirm the appointments under the authority available to the Chief Executive as a Government appointed Commissioner. This was to avoid any undue delay in ensuring that the Council meets its legal obligations, and to mitigate any risks associated with the duties.

6.0 Decision Type/Scope

- 6.1 The appointment of the Director of Legal and Democratic Services Monitoring Officer and Data Protection Officer does have a financial implication for the Authority, the costs of which are covered in already approved budgets.

7.0 Implications

Legal

- 7.1 The Council is required under Section 5 of the Local Government and Housing Act 1989 to designate one of their officers as a Monitoring Officers and under the Data Protection Act 2018 to designate one of their officers as the Data Protection Officer. The decision for both appointments would normally be made by Full Council.

Resources (including finance)

- 7.2 There are no resource implications arising from the decision of the Chief Executive. Both roles sit within the overall responsibilities of the Director of Legal and Democratic Services and have no additional financial impact on the Authority.

Risks and Mitigation

- 7.3 The Council is required by legislation to have in place a Monitoring Officer and a Data Protection Officer. Local Authorities commonly allocate both roles to the Head of Legal Services, and traditionally the Head of Legal and Democratic Services at Woking Borough Council has taken on the roles.
- 7.4 To mitigate any risks posed by waiting for the next available meeting of Council to make the appointments, the Chief Executive has taken the decision to award the roles to the newly appointed Director of Legal and Democratic Services, who took up her position on 11 November 2024. The Chief Executive did so under his powers as a Government-appointed Commissioner.

Consultation, Equality Impact Assessments

- 7.5 Members of the Executive have been consulted.
- 7.6 An equality impact assessment is not necessary for this decision.

Environment and Climate Change

- 7.7 There are no environment and/or climate change implications arising from this report.

Background Documents

- 7.8 Local Government and Housing Act 1989
- 7.9 Section 4(1) of the Local Government and Housing Act 1989
- 7.10 Data Protection Act 2018
- 7.11 Section 15(5) and (6) of the Local Government Act 1999
- 7.12 Council Meeting held on 26 September 2024

Report Ends