

Council Report

Ward(s) affected: n/a

Report of the Head of Paid Service

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Designation of Monitoring Officer

Executive summary

The Resources Specialist Services Manager (formerly the Council Solicitor and Monitoring Officer), Robert Parkin, left the Council on 20 March 2020 to take up an appointment elsewhere.

Consideration of the recruitment of a new Resources Specialist Services Manager will be given following a review of the structure of the legal team. In the meantime, it will be necessary to designate an officer as the Council's Monitoring Officer. In accordance with Officer Employment Procedure Rule 4 (a), the formal designation of the Monitoring Officer is undertaken by full Council on the recommendation of the Employment Committee.

At its meeting held on 6 March 2020, the Employment Committee considered this matter and endorsed the recommendation below.

Recommendation:

- (1) That Sarah White (Senior Specialist - Legal (Lawyer - Planning, Regeneration & Litigation)) be designated as the Monitoring Officer for the Council with effect from her return to work following maternity leave in May 2020.
- (2) That, in the interim period and for the working days when the Monitoring Officer is not in attendance, Diane Owens (Senior Specialist - Legal (Lawyer - Corporate, Commercial & Property)) be designated as Acting Monitoring Officer.

Reason for Recommendation:

To comply with the requirements of the Local Government and Housing Act 1989 (as amended).

Is this report (or part of it) exempt from publication? No

1. Purpose of Report

- 1.1 To designate an officer of the Council as the officer responsible for performing the duties imposed by Section 5 of the Local Government and Housing Act 1989 (as amended), that is, the Monitoring Officer.

2. Background

- 2.1 Under Section 5 of the Local Government and Housing Act 1989 (as amended) ("the 1989 Act"), the Council has a duty to designate one of its officers as Monitoring Officer.

2.2 The Monitoring Officer has a number of statutory duties and responsibilities relating to the Council's Constitution and our 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 unlawfulness or maladministration and promoting high standards of conduct. A full list of the Monitoring Officer's responsibilities and delegated powers is included within the Council's Constitution (see Part 2 (Article13)).

3. Designation of Monitoring Officer

3.1 A local authority has general flexibility to appoint whatever officers it thinks fit. Despite this general flexibility, there are a number of statutory exceptions.

3.2 The 1989 Act (Section 5) provides that the Council must designate a Monitoring Officer to check on the correctness and propriety of the authority's decisions. The Monitoring officer may not also be Head of Paid Service or the Council's Chief Finance Officer. The Monitoring Officer has power, under Section 5A of the 1989 Act, to nominate deputies.

3.3 The Resources Specialist Services Manager (formerly the Council Solicitor and Monitoring Officer), Robert Parkin, left the Council on 20 March 2020 to take up an appointment elsewhere.

3.4 Consideration of the recruitment of a new Resources Specialist Services Manager will be given following a review of the structure of the legal team. In the meantime, it will be necessary to designate an officer as the Council's Monitoring Officer. In accordance with Officer Employment Procedure Rule 4 (a), the formal designation of the Monitoring Officer is undertaken by full Council on the recommendation of the Employment Committee.

3.5 It was recommended to the Employment Committee, at its meeting on 6 March 2020, that Sarah White (Senior Specialist Legal – (Lawyer - Planning, Regeneration & Litigation)) be designated as the Monitoring Officer for the Council with effect from her return to work following maternity leave in May 2020. Sarah will be returning on a part-time basis. In the interim period and for the working days when the Monitoring Officer is not in attendance, it is proposed that Diane Owens (Senior Specialist - Legal (Lawyer - Corporate, Commercial & Property)) be designated as Acting Monitoring Officer. Joan Poole would continue in her current role as Deputy Monitoring Officer. The Employment Committee endorsed this approach and the recommendations in this report.

4. Financial Implications

4.1 The Monitoring Officer and Deputy Monitoring Officer are paid honoraria of £5,300 and £1,500 per annum respectively, which are met from existing budgets.

5. Legal Implications

5.1 These are set out in the report.

6. Human Resource Implications

6.1 There are no further human resource implications.

7. Background Papers

None

8. Appendices

None