

Designation of Monitoring Officer 3rd February 2016

Report of the Chief Executive

PURPOSE OF REPORT

To enable the Council to designate an officer to be Monitoring Officer with effect from the 1st March 2016

This report is public

RECOMMENDATIONS

- (1) That the Democratic Services Manager, Debbie Chambers, be designated as the Council's Monitoring Officer with effect from the 1st March 2016.**

1.0 Introduction

- 1.1 The Council has a duty under Section 5(1) of the Local Government and Housing Act 1989 to designate one of its officers as the Monitoring Officer. The Monitoring Officer may not be the Head of Paid Service or the section 151 Officer.
- 1.2 Section 5(7) provides for the duties of the Monitoring Officer to be performed by that officer personally, or, where he/she is unable to act owing to absence or illness, personally by such member of his/her staff as he/she has for the time being nominated as his deputy.
- 1.3 The Monitoring Officer has a duty under Section 5(4) of the Act to report to Council if it appears that any proposal, decision or omission by the Council constitutes, has given rise to, or is likely to give rise to a contravention of the law or maladministration.
- 1.4 Under the Localism Act 2011, the Monitoring Officer has statutory duties in respect of the registration of Members' interests.
- 1.5 Further, the Council's Constitution provides for the Monitoring Officer to support the work of the Standards Committee, to maintain the Constitution, to ensure that agendas and decisions are published, to advise whether Cabinet decisions fall within the budget and policy framework, and to provide advice to all councillors.

- 1.6 On the 12th April 2006, the Council designated the Head of Legal and Human Resources as the Monitoring Officer. That post was subsequently retitled Head of Governance, and more recently Chief Officer (Governance). The postholder has given notice of her retirement on the 29th February 2016, and it is therefore necessary to designate another officer of the Council as Monitoring Officer from the 1st March.
- 1.7 Cabinet, on the 4th August 2015, considered a report on senior leadership and organisational structure issues, and resolved to defer consideration of these issues until after a replacement Chief Executive had been recruited. Cabinet felt that it would be more appropriate for this to be considered following the appointment of the new Chief Executive.

2.0 Proposal Details

- 2.1 Until such time as this has been completed, therefore, it is proposed that Mrs Debbie Chambers, the Democratic Services Manager, be designated as the Monitoring Officer, with effect from the 1st March 2016. Mrs Chambers has been Deputy Monitoring Officer since 2010.
- 2.2 Mrs Chambers is not legally qualified, and, indeed, there is no statutory requirement for a Monitoring Officer to be legally qualified. Whilst the duties of the Monitoring Officer are required to be undertaken personally by the Monitoring Officer, it is of course open to the Monitoring Officer to obtain legal advice and support. It is intended that such support will be available from Preston City Council.

3.0 Conclusion

- 3.1 Council is asked to approve this designation.

CONCLUSION OF IMPACT ASSESSMENT

(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None directly arising from this report.

LEGAL IMPLICATIONS

Designation of the Council's Monitoring Officer is a non-executive decision to be taken by full Council.

FINANCIAL IMPLICATIONS

It is expected that any remuneration costs will be met from savings whilst the post of Chief Officer (Governance) is unfilled.

OTHER RESOURCE IMPLICATIONS

Human Resources:

The additional responsibilities of Monitoring Officer are beyond the current role and responsibilities of the Democratic Services Manager. The proposed arrangement address the Council's statutory obligations, whilst consideration is given to how the Chief Officer

(Governance) post might be filled. Any remuneration relating to the specific duties of Monitoring Officer will be dealt with in line with existing policies and procedures.

Information Services:

None

Property:

None

Open Spaces:

None

SECTION 151 OFFICER'S COMMENTS

Under legislation (the Local Government and Housing Act 1989), the Council must provide the Monitoring Officer with sufficient resources in order for them to perform their duties. The Council has similar obligations to the Section 151 Officer (under the Local Government Finance Act 1988). In view of these requirements, and the need to ensure value for money (most notably effectiveness) of this report's proposals, the Section 151 Officer is of the view that it will be essential for suitably qualified and experienced legal and other governance support to be made available, to protect the Council's interests. As such supporting arrangements have not yet been finalised, there is inevitably risk attached to the proposals, and the Section 151 Officer advises that Council should recognise and consider this in deciding on the designation, as well as acknowledging potential mitigation options. For example, if, ultimately, the intended arrangements for providing legal advice and support from Preston City Council are not implemented in due course, then provision for alternative arrangements could (and would need to) be made.

MONITORING OFFICER'S COMMENTS

The current Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

None

Contact Officer: Mark Cullinan
Telephone: 01524 582011
E-mail: MCullinan@lancaster.gov.uk
Ref: