

## **Designation of Monitoring Officer 27 September 2017**

### **Report of the Chief Executive**

#### **PURPOSE OF REPORT**

To enable the Council to designate an officer to be Monitoring Officer with effect from 27 September 2017.

**This report is public**

#### **RECOMMENDATIONS**

- (1) That the Chief Officer: Legal and Governance be designated as the Council's Monitoring Officer with effect from 27 September 2017.**
- (2) That the Chief Officer: Legal and Governance be given delegated authority to amend the Constitution to reflect the appointment in paragraph 1.7 below.**

#### **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 their 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 The Interim Legal Service Manager has been undertaking the duties of

Monitoring Officer since 1 March 2017, with the intention that the Chief Officer: Legal and Governance would take up the role once appointed.

- 1.7 Following appointment by Personnel Committee, the Chief Officer: Legal and Governance, Ms Estelle Culligan, started in post on Monday 11 September 2017. The duties of the Chief Officer: Legal and Governance encompass the statutory function of Monitoring Officer.

## **2.0 Proposal Details**

- 2.1 It is proposed therefore that Ms Estelle Culligan be designated as the Monitoring Officer from 27 September 2017 and the Constitution is amended accordingly to reflect the delegations to the post.

## **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

### **LEGAL IMPLICATIONS**

The legal background is set out in the body of the report.

### **FINANCIAL IMPLICATIONS**

No financial implications

### **OTHER RESOURCE IMPLICATIONS**

#### **Human Resources:**

There is a statutory requirement for the role of the Monitoring Officer to be filled. The duties of the Chief Officer: Legal and Governance encompass the role of Monitoring Officer, subject to approval by Full Council.

#### **Information Services:**

none

#### **Property:**

none

#### **Open Spaces:**

none

### **SECTION 151 OFFICER'S COMMENTS**

The Section 151 Officer has been consulted and has no comments.

**MONITORING OFFICER'S COMMENTS**

The legal background is set out in the body of the report.

**BACKGROUND PAPERS**

None

**Contact Officer:** Susan Parsonage

**Telephone:** 01524 582011

**E-mail:** [sparsonage@lancaster.gov.uk](mailto:sparsonage@lancaster.gov.uk)

**Ref:**