

Designation of Monitoring Officer 28 February 2018

Report of the Chief Executive

PURPOSE OF REPORT

To enable the Council to designate an officer to be Monitoring Officer with effect from 1st March 2018.

This report is public

RECOMMENDATIONS

- (1) That the Interim Head of Legal and Democratic Services, David Brown, be designated as the Council's Monitoring Officer with effect from 1 March 2018.**

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 Following the departure of the Chief Officer – Legal and Governance during February 2018, the Democratic Services Manager has been temporarily undertaking the duties of Monitoring Officer.

2.0 Proposal Details

- 2.1 It is proposed therefore that Mr David Brown be designated as the Monitoring Officer from 1st March 2018. As Interim Head of Legal and Democratic Services, Mr Brown is not an employee of Lancaster City Council, but there is legal authority from the High Court that this is not a bar to appointment.
- 2.2 Whilst there is no statutory requirement for the Monitoring Officer to be legally qualified, Mr Brown has been legally qualified for over 20 years and has been employed in senior legal roles in the public sector for more than 17 years, most recently as Head of Legal Services and then the Attorney General for the Falkland Islands Government.

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)

No impact

LEGAL IMPLICATIONS

Nothing further to add. The statutory requirements are set out fully in the report.

FINANCIAL IMPLICATIONS

Arrangements are in hand for Personnel Committee to consider arrangements regarding recruitment to the Chief Officer (Legal & Governance)/ Monitoring Officer role in the coming weeks, but clearly in the interim there is a need for the Council to ensure it has sufficient senior legal / Monitoring Officer capacity and the costs for this will be managed through turnover savings. Subject to the future decisions of Personnel Committee and the length of interim cover needed, the budgetary position will be reviewed at that time, as part of reporting to the Committee.

OTHER RESOURCE IMPLICATIONS

Human Resources:

There are no HR implications

Information Services:

No implications

Property:

No implications

Open Spaces:

No implications

SECTION 151 OFFICER'S COMMENTS

The s151 Officer has been consulted and has no further comments.

MONITORING OFFICER'S COMMENTS

The Deputy Monitoring Officer has been contacted and has no comments to make on the contents of the report

BACKGROUND PAPERS

None

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