

**Designation of Monitoring Officer
1st February 2017**

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 2017.

This report is public

RECOMMENDATIONS

- (1) That the interim Legal Services Manager, Anne Streeter, be designated as the Council's Monitoring Officer with effect from 1 March 2017.**

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 retirement of the Chief Officer - Governance on 29th February

2016, the Democratic Services Manager has been temporarily undertaking the duties of Monitoring Officer.

- 1.7 As the Democratic Services Manager is not legally qualified, arrangements were put in place to provide legal advice and support to the Monitoring Officer by Preston City Council. This arrangement ceased in January 2017, with legal support for the Monitoring Officer being provided now by the interim Legal Services Manager; Mrs Anne Streeter.
- 1.8 The Democratic Services Manager has confirmed that she does not wish to extend the period as Monitoring Officer beyond the current end date of 28th February 2017.

2.0 Proposal Details

- 2.1 A report is scheduled for the Cabinet meeting in February to discuss a more permanent proposal around the Monitoring Officer role. In the meantime, it is proposed that Mrs Anne Streeter be designated as the Monitoring Officer from 1st March 2017. As an interim Legal Services Manager, Mrs Streeter 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, Mrs Streeter is a solicitor who has been qualified for over 30 years and has been employed in senior legal roles in the public sector for more than 25 years.

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 equality impact assessment required

LEGAL IMPLICATIONS

The Legal implications are referred to in this Report

FINANCIAL IMPLICATIONS

There are no additional implications as a result of this report – it is still the case that any remuneration costs will be met from savings arising from the currently vacant post of Chief Officer (Governance). That post remains budgeted for, which provides for ongoing capacity subject to confirming future permanent arrangements regarding the role.

OTHER RESOURCE IMPLICATIONS

Human Resources:

There is a statutory requirement for the role of the Monitoring Officer to be filled. This arrangement ensures continuity of Monitoring Officer provision by a solicitor with significant public sector experience, pending more permanent arrangements being made in respect of this function.

Information Services:

No comment from Information Services

Property:

No comment from Property and Land

Open Spaces:

No comment from Open Spaces

SECTION 151 OFFICER'S COMMENTS

The s151 Officer has been consulted. It remains her view that to help protect the Council's financial and other interests, it is essential for the Council to have suitably qualified and experienced legal and other governance support in place, and the Monitoring Officer role is central to this. This proposal fits with that view, on an interim basis, but there remains the need to determine permanent arrangements going forward.

MONITORING OFFICER'S COMMENTS

Legal Officers at Preston City Council have been consulted on the content of the report and have no further comments to make.

BACKGROUND PAPERS

None

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