

COUNCIL

Designation of Monitoring Officer 31 January 2018

Report of the Chief Executive

PURPOSE OF REPORT

To enable the council to designate an officer to be Monitoring Officer with effect from the 24 February 2018

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 24 February 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 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 The current Monitoring Officer, the Chief Officer (Legal and Governance) has given notice of her resignation and will leave the council on 23 February 2018. Work has commenced to recruit into this position as soon as possible, on an interim basis initially. However, the Council needs continuity in respect of the Monitoring Officer position.

2.0 Proposal Details

2.1 Until such time as a the Chief Officer (Legal and Governance) role is filled, it is proposed that Mrs Debbie Chambers, the Democratic Services Manager, be designated as the Monitoring Officer, with effect from the 24 February 2018. Mrs Chambers has been Deputy Monitoring Officer since 2010.

2.2 Mrs Chambers is not legally qualified, but 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. The Monitoring Officer is required to appoint a Deputy Monitoring Officer and it is likely that Mrs Chambers would appoint a member of the Legal team to undertake that role.

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

The legal implications are set out in the body of this report.

FINANCIAL IMPLICATIONS

Any costs in relation to the proposed designation are expected to be minimal and would be managed within existing budgets. In terms of interim recruitment thereafter, arrangements are in hand for any financial implications to be addressed through the current budget process.

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 addresses the council's statutory obligations until such a time as the Chief Officer (Legal and Governance) is 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

The s151 Officer has been consulted. As part of addressing any budgetary implications, the plans/arrangements for permanent recruitment will need to be clarified, in support of sound governance, transparency and value for money.

MONITORING OFFICER'S COMMENTS

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

BACKGROUND PAPERS

None

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