

**Designation of Monitoring Officer  
10 April 2018**

**Report of the Chief Executive**

**PURPOSE OF REPORT**

To enable the Council to designate an officer to be Monitoring Officer with effect from 11 April 2019.

**This report is public**

**RECOMMENDATIONS**

- (1) **That the Acting Head of Legal Services, Mr Rephael Walmsley, be designated as the Council's Monitoring Officer with effect from 11 April 2019.**

**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 Head of Legal and Democratic Services, Mr David Brown, has been undertaking the duties of Monitoring Officer and he is leaving Lancaster

City Council. His last day of work will be Wednesday 10 April.

- 1.7 Mr Rephael Walmsley has worked in the Legal Services Department with Lancaster City Council since 19 November 2007, when he was appointed to the post of Solicitor. On 1 November 2018, Mr Walmsley was appointed Acting Head of Legal Services, and also took on the role of one of the Council's two Deputy Monitoring Officers. Mr Walmsley is the most appropriate member of staff to take on the duties of Monitoring Officer.

## 2.0 Proposal Details

- 2.1 It is proposed therefore that Mr Rephael Walmsley be designated as the Monitoring Officer from 11 April 2019.

## 3.0 Conclusion

- 3.1 Council is asked to approve this designation.

<b>CONCLUSION OF IMPACT ASSESSMENT</b> (including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)	
None	
<b>LEGAL IMPLICATIONS</b>	
The legal background is set out in the body of the report.	
<b>FINANCIAL IMPLICATIONS</b>	
No financial implications	
<b>OTHER RESOURCE IMPLICATIONS</b>	
<b>Human Resources:</b> There is a statutory requirement for the role of the Monitoring Officer to be filled.	
<b>SECTION 151 OFFICER'S COMMENTS</b>	
The Section 151 Officer has been consulted and has no comments.	
<b>DEPUTY MONITORING OFFICER'S COMMENTS</b>	
The Deputy Monitoring Officer has drafted this document. The legal background is set out in the body of the report.	
<b>BACKGROUND PAPERS</b>	<b>Contact Officer: Debbie Chambers</b>
None	<b>Telephone:</b> 01524 582057
	<b>E-mail:</b> dchambers@lancaster.gov.uk
	<b>Ref:</b>