

**Designation of Monitoring Officer
13 November 2019**

Report of the Chief Executive

PURPOSE OF REPORT

To enable the Council to designate an officer to be Monitoring Officer with immediate effect.

This report is public

RECOMMENDATIONS

- (1) **That the Acting Head of Legal Services, Mr Luke Gorst, be designated as the Council's Monitoring Officer with immediate effect.**

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 Mr Rephael Walmsley, the Council's current Monitoring Officer, has stepped down from that role and it is necessary for the Council to appoint a Monitoring Officer with immediate effect.

1.7 Mr Luke Gorst has worked in the Legal Services Department with Lancaster City Council since April 2006, when he was appointed to the post of Solicitor. Luke is currently the Acting Head of Legal Services, and therefore 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 Luke Gorst be designated as the Monitoring Officer with immediate effect.

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)
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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.

SECTION 151 OFFICER'S COMMENTS

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

DEPUTY MONITORING OFFICER'S COMMENTS

The Deputy Monitoring Officer has drafted this report. The legal background is set out in the body of the report.

BACKGROUND PAPERS	Contact Officer: Debbie Chambers
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None

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