

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Appointment of Monitoring Officer and Interim Arrangements

Meeting/Date: Council – 27th July 2016

Executive Portfolio: Executive Leader, Councillor R Howe

Report by: Managing Director

Ward(s) affected: All

Executive Summary:

Local Authorities have a duty under the Local Government and Housing Act 1989 to designate one of their Officers as the Monitoring Officer.

The Monitoring Officer is responsible for maintaining the Constitution and providing advice on ensuring lawfulness and fairness of decision making.

The Corporate Director (Services) has left the authority and this report seeks the Council's approval of interim arrangements for the Monitoring Officer post and the appointment of a new Monitoring Officer.

Recommendations:

- (a) that Mr T Lewis, the newly appointed Head of Legal Shared Services, be designated the District Council's Monitoring Officer with effect from 22nd August 2016; and
- (b) that Mrs M Sage, Democratic Services Officer, be appointed Monitoring Officer for a temporary period commencing 23rd July until 21st August 2016.

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1. WHAT IS THIS REPORT ABOUT/PURPOSE?

- 1.1 The Monitoring Officer is a statutory appointment under Section 5 of the Local Government and Housing Act 1989. The appointment of the Monitoring Officer must be approved by the Council and the Officer to be appointed to this position must not be the Chief Finance Officer (Section 151 Officer) or the Head of Paid Service.
- 1.2 Article 12 of the Council's Constitution describes the functions of the Monitoring Officer.
- 1.3 The Council had previously designated the Corporate Director (Services) as the Monitoring Officer.

2. WHY IS THIS REPORT NECESSARY/BACKGROUND

- 2.1 As a result of the recent resignation and departure of the Corporate Director (Services) the post of Monitoring Officer has become vacant. Mr Lewis, the new Head of Legal Shared Service will be commencing his employment with effect from 22nd August 2016 and will be appointed Monitoring Officer across the 3C Shared Service. As there is a period of time between the departure of the Council's previous Monitoring Officer and his appointment an interim arrangement will need to be put in place.
- 2.2 As previously advised the law prohibits the Head of Paid Service (Managing Director) or Chief Finance Officer from acting in the capacity as a Monitoring Officer. In those circumstances, it is suggested that for a temporary period, Mrs M Sage, Democratic Services Officer, is designated as Monitoring Officer from 23rd July until 21st August 2016.
- 2.2 There are no other resource, legal or other implications associated with this proposal.

3 REASONS FOR THE RECOMMENDED DECISIONS

- 3.1 The Council is required by law to appoint the Statutory Officer of Monitoring Officer and to designate an Officer to act in this role on behalf of the Council. This report recommends the designation of a new Monitoring Officer and interim arrangements to cover the period until the new appointee is able to assume his role.

BACKGROUND PAPERS

The District Council's Constitution

CONTACT OFFICER

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