

Report of:	Chief Executive, Tony Parkinson
Submitted to:	Council, 4 September 2019
Subject:	Designation of the Monitoring Officer

Summary

Proposed decision(s)
<p>That Council:</p> <ol style="list-style-type: none"> Notes the establishment of the Director of Legal and Governance post and the ongoing recruitment process to the same; and Approves that this post is designated as the Authority’s Monitoring Officer with effect from the date upon which the successful applicant begins their employment with the Authority.

Report for:	Key decision:	Confidential:	Is the report urgent?
Decision	No	No	<p>Yes</p> <p>The designation of interim Monitoring Officer was agreed at full Council.</p> <p>The recruitment process with regards to the appointment of the Director of Legal and Governance Services has now commenced and the role of Monitoring Officer is integral to this post.</p> <p>The report asks Council to note the establishment of the Director of Legal and Governance post and approve the transfer of the designation of Monitoring Officer to that post, once the appointment has been made.</p>

Contribution to delivery of the 2018-22 Strategic Plan		
Business Imperatives	Physical Regeneration	Social Regeneration
The Council is required by statute to designate one of its officers as the Monitoring	Not applicable	Not applicable

Officer.		
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Ward(s) affected
Not applicable

What is the purpose of this report?

1. To seek the approval of Council to the designation of the Monitoring Officer post.

Why does this report require a Member decision?

2. Council is required to designate an officer as the Monitoring Officer under the Scheme of Delegation.

Report Background

3. On the 16 January 2019, Council considered a report dealing with the re-designation of the Monitoring Officer role for an interim period 12 months. The report noted that this was the preferred option due to the lack of time to undertake a recruitment process to appoint a permanent replacement to the then Head of Legal & Democratic Services and Monitoring Officer.
4. In the intervening period the decision has been taken to create a new post at Director level to serve as the Authority's Chief Legal Officer. The new post has been created so that there is a qualified lawyer at an appropriate level to:
 - a. deal with the increasing number of increasingly complex regeneration projects which are emerging under the new political administration;
 - b. deal with the significant increase in work caused by the recent local elections; and
 - c. deal with the significant increase in the volume of childcare cases over recent years.
5. The Statutory Officer Profiles contained within the Constitution assume that the Authority's Monitoring Officer will be the Authority's Chief Legal Officer.

What decision(s) are being asked for?

6. That Council:
 - a. Notes the establishment of the Director of Legal and Governance post and the ongoing recruitment process to the same; and
 - b. Approves that this post is designated as the Authority's Monitoring Officer with effect from the date upon which the successful applicant begins their employment with the Authority.

Why is this being recommended?

7. This will give the statutory and constitutional powers and duties of the Monitoring Officer to the Authority's Chief Legal Officer. This reflects the assumption made by

Council as contained within the Constitution and is consistent with the arrangements made by most Local Authorities.

Other potential decisions and why these have not been recommended

8. Council could continue with the existing designation whereby the Head of Legal Services is the Authority's Monitoring Officer. This is not considered appropriate as it would create a situation whereby the Authority's Chief Legal Officer would not be its Monitoring Officer.
9. Council could designate another Officer as the Monitoring Officer however there are no other appropriate posts which would be suitable to be designated as such.

Impact(s) of recommended decision(s)

Legal

10. The Authority is required to designate an officer as the Monitoring Officer.

Financial

11. The newly established post will be paid for from existing budgets.
12. There is no financial impact from designating a post as the Monitoring Officer.

Policy Framework

13. This report has no impact on the Council's Policy Framework.

Equality and Diversity

14. Not applicable.

Risk

15. The Authority is required to make a designation by law. Failure to do so presents a legal risk.

Actions to be taken to implement the decision(s)

16. Not applicable.

Appendices

17. Not applicable.

Background papers

Body	Report title	Date
Council	Monitoring Officer – Interim and Ancillary Arrangements	16 January 2019