

**BODY:** COUNCIL

**DATE:** 23 February 2011

**SUBJECT:** Appointment of Acting Monitoring Officer

**REPORT OF:** Deputy Chief Executive

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**Ward(s):** All

**Purpose:** To obtain Council approval for the appointment of a nominated officer to be Acting Monitoring Officer

**Decision type:** Non key

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**Recommendations:** That the appointment of Peter Finnis, the Council's Head of Strategy and Democracy, as the designated Acting Monitoring Officer be approved.

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## **1.0 Background/Introduction**

- 1.1 The role of monitoring officer is a statutory post required under the provisions of section 5 of the Local Government and Housing Act 1989. The post oversees the constitution of the Council and, in particular, ensures lawfulness and fairness in decision making, and compliance with codes and protocols.

## **2.0 Current Position**

- 2.1 The current post holding the monitoring officer duty is the Lawyer to the Council which is a post job shared by two part-time officers. One of these officers is currently on maternity leave and not expected to return to work till September 2011. The other officer is due to go on maternity leave from 7 March and be absent for up to a year. Therefore, there is a need to put in place arrangements for an appropriate officer to act in this role.

## **3.0 Proposal**

- 3.2 The proposal is that, given the statutory importance of this role, acting arrangements should move up the line of management. The Head of Strategy and Democracy is line manager to the current

monitoring officer and is therefore deemed the most appropriate person to take on this role.

- 3.3 In discharging this function, the Acting Monitoring Officer will make use of internal staff within Legal Services and Local Democracy where a matter requires the input of a qualified lawyer. Existing internal designations of deputy monitoring officer will remain unchanged. It is important to understand that the focus of the Acting Monitoring Officer will be on upholding the constitutional codes and protocols and that detailed legal research will need to be conducted by qualified lawyers in Legal Services subject to capacity.

#### **4.0 Consultations**

- 4.1 There is a statutory requirement to consult with the members of Cabinet when making monitoring officer appointments. This has been done and no objections have been received.

#### **5.0 Resource Implications**

- 5.1 There are no financial implications arising from this report. However, Council should note that, due to the long term absence of two senior lawyers, there will be a need to re-prioritise and, where necessary, backfill other legal work to ensure that the Council's functions and projects are properly supported.

#### **6.0 Conclusion**

- 6.1 The proposal set out in this report ensures that the Council complies with the legislation to have a designated person acting as statutory monitoring officer in place.

**Julian Osgathorpe**  
**Deputy Chief Executive**

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#### **Background Papers:**

None

(council – 11-02-23 – acting mo appointment)