

Bath & North East Somerset Council

MEETING:	COUNCIL	
MEETING DATE:	21 May 2015	AGENDA ITEM NUMBER
TITLE:	Designation of Monitoring Officer	
WARD:	ALL	
AN OPEN PUBLIC ITEM		
List of attachments to this report: None		

1 THE ISSUE

- 1.1 This report seeks confirmation of the designation of the Head of Legal and Democratic Services (Maria Lucas) as the Council's Monitoring Officer with effect from 1 June 2015.

2 RECOMMENDATION

That the Council

- 2.1 Designate the post of Head of Legal and Democratic Services as the Council's Monitoring Officer in accordance with section 5 of the Local Government and Housing Act 1989 (*as amended by Schedule 5 paragraph 24 of the Local Government Act 2000*) with effect from 1 June 2015.

3. FINANCIAL IMPLICATIONS (Finance, Property, People)

- 3.1 There are no resource implications arising from this report.

4. THE REPORT (including statutory considerations and basis for proposal)

- 4.1 The Local Government Act 1972 and the Local Government and Housing Act 1989 (Section 5, as amended by Schedule 5 paragraph 24 of the Local Government Act 2000) introduced the statutory office of 'Monitoring Officer'.
- 4.2 The Monitoring Officer has the specific duty to ensure that the council, its officers and its elected members maintain the highest standard of conduct in all they do. S/he has three main roles
- To report on matters s/he believes are, or are likely to be, illegal or amount to maladministration.
 - To be responsible for Matters relating to the conduct of Councillors and Officers.
 - To be responsible for the operation of the Council's Constitution.
- 4.3 This is one of the three statutory officer posts which every local authority is required to appoint, the others being the Head of Paid Service and Chief Financial

Officer. In order to ensure separation of roles, the Monitoring Officer may not also fulfil the duties of the Chief Finance Officer or the Head of Paid Service

- 4.4 The designation of the Monitoring Officer is a non-executive function and is provided for in the Council constitution.
- 4.5 With the retirement of the Divisional Director – Legal and Democratic Services (who is currently designated as the Council’s Monitoring Officer), the Council needs to designate another person to this post.
- 4.6 It is recommended that Maria Lucas, Head of Legal and Democratic Services (appointed as the successor to the previous Monitoring Officer and taking up her appointment on 1 June 2015) be designated as the Council’s statutory Monitoring Officer.
- 4.7 The designated Monitoring Officer is required to nominate a deputy (s) to act in the event that s/he is unable to perform her/his duties. Ms Lucas will address this after she has commenced employment and advise the Council accordingly.

5 RATIONALE (including other options considered)

- 5.1 This was considered by the Restructuring Implementation Committee on 15 January 2015 are part of the proposals for the future management of the Legal and Democratic Service. The Committee resolved to recommend to Council that the person appointed to the post of Head of Legal and Democratic Services be appointed additionally its Monitoring Officer.

6 RISK MANAGEMENT

- 6.1 A risk assessment related to the issue and recommendations has not been undertaken. The Council has a statutory duty to designate one of its officers (to be known as “the monitoring officer”) as the officer responsible for performing the duties imposed by the relevant legislation.

7 CONSULTATION

- 7.1 None –this is a statutory requirement. The postholder is aware of the preparation of this report and support its recommendations.

8 ADVICE SOUGHT

- 8.1 The Council’s Monitoring Officer (Divisional Director – Legal and Democratic Services) has had an opportunity to input to this report and has cleared it for publication.

Contact Person	<i>Dr Jo Farrar, Chief Executive – telephone 01225 477400</i>
Background papers	Local Government Act 1972 (<i>Section 151</i>) Local Government and Housing Act 1989 (<i>Section 5</i>) Local Government Act 2000 (<i>Schedule 5 paragraph 24</i>) Report to the Restructuring Implementation Committee – 15 January 2015
Please contact the report author if you need to access this report in an alternative format	