

Committee: FULL COUNCIL

Agenda Item

Date: 28 July 2016

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**Title: APPOINTMENT OF MONITORING OFFICER
AND DELEGATED POWERS**

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Item for decision

Summary

1. This report sets out proposed interim arrangements following the retirement of the Assistant Chief Executive – Legal.

Recommendations

2. That the council appoints Mrs Christine Oliva as a Monitoring Officer for the council and gives her delegated power to grant dispensations under s.33 Local Government Act 2011 to district, parish and town councillors who have disclosable pecuniary interests to speak and/or vote on issues relating to such interests and to grant dispensations under the Code of Conduct to district, parish and town councillors with other pecuniary interests to speak and/or vote on issues relating to such interests..
3. That the powers delegated to the Assistant Chief Executive – Legal by the council's Scheme of Delegation be delegated to Mrs Oliva.

Financial Implications

4. None arising from this report.

Background Papers

5. None.

Impact

- 6.

Communication/Consultation	None.
Community Safety	None.
Equalities	None.
Health and Safety	None.
Human Rights/Legal Implications	The council has a statutory duty to designate one of its officers as the

	Monitoring Officer.
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

Situation

7. Section 5 Local Government and Housing Act 1989 requires each local authority (other than parish and town councils) to designate one of its officers (the monitoring officer) as being responsible for performing the duties imposed by section 5 and section 5A of the Act. In addition, the Localism Act 2011 requires the Monitoring Officer to maintain registers of interests for his or her district council and for the parish and town councils within the district and to approve the non-registration of any sensitive interests.
8. The Assistant Chief Executive – Legal who is the council's current monitoring officer is retiring on 5 August 2016 and it is therefore necessary for a replacement to be appointed.
9. Under the council's Scheme of Delegation a number of functions have been delegated to the Assistant Chief Executive – Legal. These may be found in the Members Handbook at pages (3)-23 - (3)-25. Unless these functions are delegated to another officer, they will fall to be performed by the Licensing & Environmental Health Committee which will greatly increase the workload of that committee which already has a large number of meetings. It is therefore desirable that these functions should be the subject of a further delegation to an officer.
10. The position, roles and responsibilities of the Assistant Chief Executive – Legal are currently being reviewed, necessitating these interim arrangements. Mrs. Oliva has the necessary knowledge, skills and experience to carry out these functions.

Risk Analysis

11.

Risk	Likelihood	Impact	Mitigating actions
The council does not appoint a Monitoring Officer	1, members are expected to observe their statutory duty	4, the responsibilities of the Monitoring Officer include reporting any illegal activity on the part of	A suitable officer is designated as Monitoring Officer for the council.

		the council, its cabinet or officers. This involves monitoring the activities of the council, cabinet and officers by scrutinising reports and decisions. The council risks reputational damage if this function is not performed.	
The council does not agree a suitable Scheme of Delegation	1, there is no reason why the council would not continue the current Scheme of Delegation	2, the Licensing & Environmental Health Committee may make its own Scheme of Delegation if the council does not do so.	Adopt an appropriate Scheme of Delegation.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.