

Committee:	Council	Date:	22 February 2018
Title:	Appointment of Monitoring Officer and Delegated Powers		
Portfolio Holder:	Councillor Simon Howell, Portfolio Holder for Finance and Administration		
Report Author:	Dawn French, Chief Executive, 01799 510400	Item for decision:	Yes

Summary

1. This report proposes the continuation of appointment of Mr Simon Pugh as the council's Monitoring Officer, following his appointment to the permanent position of Assistant Director for Governance and Legal.

Recommendations

2. That the council continues the appointment of Mr Simon Pugh as Monitoring Officer and continues the delegation of 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.

Financial Implications

3. None arising from this report

Background Papers

4. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

Impact

5. None

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

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

Situation

6. 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.
7. Mr Simon Pugh has been acting as the Council's interim Head of Legal Services, since August 2016 and was appointed as the Monitoring Officer by full council on 8 December 2016. Following a review of the Legal Service together with democratic and electoral services and internal audit, the position of Assistant Director for Governance and Legal was created. This position was advertised internally and externally to the organisation and following a robust recruitment exercise, Mr Pugh was appointed to the permanent position.
8. Council is recommended to continue the designation of Mr Pugh as its monitoring officer; he is a solicitor with more than 38 years' experience as a local government lawyer and was Head of Legal Services at Cambridge City Council for more than 25 years, where he was also Monitoring Officer for six years.

Risk Analysis

9.

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 the council, its cabinet or officers.	A suitable officer is designated as Monitoring Officer for the council.

		<p>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.</p>	
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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.