

Committee: FULL COUNCIL

Agenda Item

Date: 8 DECEMBER 2016

12

Title: APPOINTMENT OF MONITORING OFFICER

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Item for decision

Summary

1. This report sets out proposed interim arrangements following the retirement of the previous Monitoring Officer, Christine Oliva.

Recommendations

2. That the council appoints Mr Simon Pugh, Interim Head of Legal Services, as Monitoring Officer for the council and gives him 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..

Financial Implications

3. None arising from this report.

Background Papers

4. High Court Judgment in *Pinfold North Ltd v Humberside Fire Authority* [2010] EWHC 2944.

Impact

5

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

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. The Assistant Chief Executive – Legal, who was the council’s monitoring officer, retired on 5 August 2016. In anticipation of his retirement, Council designated Christine Oliva as monitoring officer at its meeting on 26 July 2016. Christine Oliva herself retired at the end of September and it is therefore necessary once more to designate a replacement.
8. The non-legal duties formerly the responsibility of the Assistant Chief Executive –Legal have been reassigned and an interim Head of Legal Services, Simon Pugh, has been appointed pending recruitment of a permanent member of staff. Council is recommended to designate Simon Pugh as its monitoring officer. Mr Pugh is a solicitor. He has more than 37 years’ experience as a local government lawyer and was Head of Legal Services at Cambridge City Council for more than 25 years. He was Cambridge City Council’s Monitoring Officer from 2010 to 2016 and was its deputy Monitoring Officer from 1990 to 2010.
9. As an interim Head of Legal Services, Mr Pugh is not an employee of Uttlesford District Council but there is legal authority from the High Court that this is not a bar to appointment.

Risk Analysis

10.

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. This involves monitoring the	A suitable officer is designated as Monitoring Officer for the council.

		activities of the council, cabinet and officers by scrutinising reports and decisions. The council risks reputational damage if this function is not performed.	
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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.