

Committee: Council

Date:

Title: Appointment of Monitoring Officer and Delegated Powers

Tuesday, 21 July 2020

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Summary

1. This report sets out proposed interim arrangements following the resignation of the Assistant Director of Governance and Legal, including the appointment of the Council's Monitoring Officer.

Recommendations

2. That the council appoints Mrs Lorraine Browne as 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 Director Governance and Legal by the council's Scheme of Delegation be delegated to Mrs Browne.

Financial Implications

4. None arising from this report.

Background Papers

5. None.

Impact

6. None

Communication/Consultation	None
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal	The council has a statutory duty to

Implications	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 Director for Governance and Legal, Mr Simon Pugh, who is the council's current monitoring officer has resigned and leaves the council's employment on 17 July; it is therefore necessary for a replacement to be appointed.
9. The council is facing a significant period of change and challenge as a result of the Covid19 pandemic. This presents new opportunities for the council to think about how it works to continue to offer good services to our residents, communities, businesses, and visitors, as well as continuing to be an employer of choice for existing and future employees.
10. It is also clear, however, that the council's financial position prior to the pandemic has been further adversely impacted, which will require the council to review its size, shape, functions and form.
11. Whilst this exercise is undertaken, it is considered appropriate to make interim arrangements for the position of Monitoring Officer.
12. Mrs. Browne is currently employed by Chelmsford City Council as Legal and Democratic Services Manager & Monitoring Officer and has the necessary knowledge, skills and experience to carry out these functions. She is being seconded to Uttlesford District Council, on a part-time basis, to carry out the role of Monitoring Officer and Legal advisor and to provide management support to the Legal, Land Charges and Information Governance teams. The other roles undertaken by the Assistant Director of Governance and Legal will be undertaken by the Chief Executive and the s151 Officer.
13. A formal agreement is in place for this arrangement and Chelmsford City Council will be remunerated for the services of Mrs Browne.

Risk Analysis

14.

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 activities of the council, cabinet and officers by scrutinising reports and decisions. The council risks reputational damage if this function is not performed	A suitable officer is designated as Monitoring Officer for the council.

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.