

Committee: Council

Date:

Title: Appointment of Monitoring Officer and
Delegation of Powers

Tuesday, 23
February 2021

**Report
Author:** Dawn French, Chief Executive
dfrench@uttlesford.gov.uk
Tel: 01799 510400

Summary

1. This report sets out proposed continuing interim arrangements for the management of the Council's Legal Services, including the appointment of the Council's Monitoring Officer

Recommendations

1. That the council appoints Ms Jane Reynolds 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.
2. That the powers delegated to the Assistant Director Governance and Legal, by the council's Scheme of Delegation be delegated to Ms Reynolds.

Financial Implications

3. None arising from this report.

Background Papers

4. None

Impact

- 5.

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

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. Since the Assistant Director for Governance and Legal, Mr Simon Pugh, resigned from the council's employment, Mrs. Lorraine Browne has been acting as the Council's Interim Monitoring Officer and Legal Advisor, providing support to the Legal, Land Charges and Information Governance teams, on a part time secondment from Chelmsford City Council.
8. Due to work pressures associated with her role there, Mrs. Browne is unable to continue to offer her services to this council.
9. It is therefore proposed that Ms. Jane Reynolds is appointed as the Council's Monitoring Officer. She is already covering the position of Manager of Legal Services, which includes the Legal, Land Charges and Information Governance teams. The other roles undertaken by the Assistant Director of Governance and Legal will continue to be undertaken by the Chief Executive and the s151 Officer.
10. 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.
11. As part of this reviews looking at the size, shape, functions and form, a formal consultation is about to commence on the permanent arrangements and resources for the legal services team, following which a permanent monitoring officer will be recommended to council. In the meantime, it is necessary to make interim arrangements for the position of Monitoring Officer.
12. Ms. Reynolds is a qualified barrister with a range of experience in both the public and private sectors. She has been acting formally as deputy monitoring officer since December but has been overseeing a number of cases on behalf of the monitoring officer since October. She has the necessary knowledge and

skills to carry out the functions of both monitoring officer and acting Manager of Legal Services which includes the legal, land charges and information governance teams.

13. As an interim Manager of Legal Services, Ms. Reynolds 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 (High Court Judgment in *Pinfold North Ltd v Humberside Fire Authority* [2010] EWHC 2944).

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 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.