

Committee: Council

Date:

Title: Appointment of Monitoring Officer and
Delegation of Powers

Tuesday, 21
February 2023

Report Author: Peter Holt, Chief Executive

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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

2. That the council appoints Richard Auty as Monitoring Officer for the council and gives him delegated power to grant dispensations under s.33 Localism 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 council notes the powers delegated to the Assistant Director Governance and Legal, by the council's Scheme of Delegation, save those on elections, are be delegated to Norman Coombe, on an interim basis.

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. Since the Assistant Director for Governance and Legal, Ms. Jane Reynolds, resigned from the council's employment, Norman Coombe has acted as Deputy Monitoring Officer and interim Assistant Director for Governance and Legal.
9. It is therefore proposed that Richard Auty is appointed as the Council's Monitoring Officer. This would be in addition to his duties as Assistant Director, Corporate Services. He has the necessary knowledge and skills to carry out the functions of monitoring officer.
10. As an interim Assistant Director Governance and Legal, Mr Coombe 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

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

		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	
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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.