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**Council**

**13 March, 2018**

**Name of Cabinet Member:**

Cabinet Member for Policing and Equalities - Councillor A. Khan

**Director Approving Submission of the report:**

Deputy Chief Executive (Place)

**Ward(s) affected:**

All

**Title: Appointment of Head of Legal Services and Designation of Monitoring Officer**

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**Is this a key decision?**

No

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**Executive Summary:**

A recruitment process is currently underway to appoint to the post of Head of Legal Services. An Appointments Panel will consider applications for this post on 8 March, 2018 and it is anticipated that a Recommendation will be made to Council at their meeting on 13 March, 2018. This report sets out the legal basis for the need to appoint a Monitoring Officer and a recommendation that the post of Head of Legal Services be designated as Monitoring Officer.

**Recommendations:**

Council is recommended to:

1. Consider any Recommendations from the Appointment Panel following their meeting on 8 March, 2018 in relation to the appointment of Head of Legal Services.
2. Designate the Head of Legal Services as Monitoring Officer under Section 5 of the Local Government and Housing Act 1989 with effect from 13 March, 2018.

3. Authorise the Head of Legal Services to amend the Constitution accordingly.

**List of Appendices included:**

None

**Other useful background papers:**

None

**Has it been or will it be considered by Scrutiny?**

No

**Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?**

No

**Will this report go to Council?**

Yes – 13 March, 2018

## **Report title: Appointment of Head of Legal Services and Designation of Monitoring Officer**

### **1. Context (or background)**

- 1.1 Under Section 5 of the Local Government and Housing Act 1989, every local authority must designate one of its officers as the Council's Monitoring Officer. The Monitoring Officer cannot be the Chief Finance Officer or Head of Paid Service. This designation must be made by the full Council and cannot be made by an elected member or officer. Currently the Council's designated Acting Monitoring Officer is the Legal Services Manager (People). A recruitment process is currently underway for the post of Head of Legal Services and it is proposed that this post be designated as Monitoring Officer.
- 1.2 The requirement to designate an officer as Monitoring Officer is also set out in Part 2M of the Constitution and is set out in more detail below.

### **2. Options Considered**

#### **2.1 Appointment of Monitoring Officer**

- 2.1.1 The Council must by law designate an officer as Monitoring Officer. The Legal Services Manager, (People) was appointed Acting Monitoring Officer until further notice in September, 2017. Following a recruitment process for the post of Head of Legal Services it is proposed that this post be designated as Monitoring Officer.

#### **2.2 Amendment of Constitution**

- 2.2.1 The Constitution will need to be changed to reflect the fact that the Head of Legal Services has been designated as Monitoring Officer. The Council is asked to give the Head of Legal Services delegated authority to make those changes to the Constitution.

### **3. Results of consultation undertaken**

- 3.1 No consultation has been undertaken because the changes are required to ensure that the Council complies with its statutory duty to appoint a monitoring officer and to ensure that functions may be exercised at the appropriate level.

### **4. Timetable for implementing this decision**

- 4.1 The amendments need to take effect from 13 March, 2018.

## **5. Comments from the Director of Finance and Corporate Services**

### **5.1 Financial implications**

This post is part of the Legal Services staffing structure and funding is, therefore, already in place.

### **5.2 Legal implications**

The Council must designate an officer as Monitoring Officer under Section 5 of the Local Government and Housing Act 1989.

## **6. Other implications**

### **6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?**

The Constitution sets out the governance arrangements of the Council and it is important that these reflect changes in operational matters within the Council.

### **6.2 How is risk being managed?**

Appointing a new Monitoring Officer and having a Constitution that reflects changes in operational matters will ensure that the Council meets its legal obligations.

### **6.3 What is the impact on the organisation?**

To put in place appropriate governance arrangements that reflect operational changes.

### **6.4 Equalities / EIA**

None

### **6.5 Implications for (or impact on) the environment**

None

### **6.6 Implications for partner organisations?**

None

**Report author(s):**

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**Directorate:** Place

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