
Council

11 July 2017

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 Acting Monitoring Officer and Delegation of Powers**

Is this a key decision?

No

Executive Summary:

The Council needs to appoint an Acting Monitoring Officer because the current Acting Monitoring Officer is leaving the Council. This report sets out the legal basis for the need to appoint a Monitoring Officer and a recommendation that the Legal Services Manager (People) be appointed as Acting Monitoring Officer.

Recommendations:

Council is recommended to:

1. Designate the Legal Services Manager (People) as Acting Monitoring Officer under Section 5 of the Local Government and Housing Act 1989 with effect from 28th July 2017 ;and
2. Authorise the Legal Services Manager (People) 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 - 11 July, 2017

Report title: Appointment of Acting Monitoring Officer and Delegation of Powers

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. The Council's designated Acting Monitoring Officer is leaving the Council on 28th July 2017 and the Council now needs to appoint another officer as its 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 Acting Monitoring Officer

- 2.1.1 The Council must by law designate an officer as Monitoring Officer. The Council's Acting Monitoring Officer is leaving the Council on 28th July 2017 and it is recommended that, with effect from this date, the Legal Services Manager, (People) be appointed Acting Monitoring Officer until further notice.

2.2 Amendment of Constitution

- 2.2.1 The Constitution will need to be changed to reflect the fact that another post has been designated as Acting Monitoring Officer. In addition, the Legal Services Manager (Place and Regulatory) holds a number of delegations in her own right and these need to be moved to the Legal Services Manager (People). The Council is asked to give the Legal Services Manager (People) 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 28th July 2017.

5. Comments from the Director of Finance and Corporate Services

- 5.1 Financial implications
None.

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 Acting 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):

Name and job title: Carol Bradford, Corporate Governance Lawyer, Place and Regulatory Team.

Directorate: Place

Tel and email contact: 024 7683 3976/ carol.bradford @coventry.gov.uk

Enquiries should be directed to the above person.

| Contributor/approver name | Title | Directorate or organisation | Date doc sent out | Date response received or approved |
|--|--|------------------------------------|--------------------------|---|
| Contributors: | | | | |
| Suzanne Bennett | Governance Services | Place | 3 July 17 | 3 July 17 |
| Adrian West | Members and Elections Team Manager | Place | 29 June 17 | 3 July 17 |
| Names of approvers for submission: (officers and members) | | | | |
| Julie Newman | Legal Services Manager, People | Place | 29 June 17 | 29 June 17 |
| Barrie Hastie | Director | Place | 29 June 17 | 29 June 17 |
| Members: Councillor Abdul Khan | Cabinet Member for Policing and Equalities | | 3 July 17 | 3 July 17 |