

Title of meeting: Council

Date of meeting: 19 March 2019

Subject: Appointment of Monitoring Officer

Report by: Chief Executive

Wards affected:

Key decision: No

Full Council decision: Yes

1. Purpose of report

- 1.1 Under Section 5 of the Local Government and Housing Act 1989 (as amended), the Council has a duty to appoint a Monitoring Officer. Following the decisions of the Employment Committee on 13 February 2019, the Council is asked to consider the appointment of a Monitoring Officer following the retirement of the present post holder on 19 May 2019

2. Recommendations

- 2.1 It is recommended that the current Deputy City Solicitor and Monitoring Officer, Peter Baulf, be appointed as Monitoring Officer.

3. Background

- 3.1 The Monitoring Officer's legal basis is found in Section 5 of the Local Government and Housing Act 1989, as amended by Schedule 5 paragraph 24 of the Local Government Act 2000.
- 3.2 The Monitoring Officer has a number of statutory duties and responsibilities relating to the council's constitution and the arrangements for effective governance. These duties are contained in the council's constitution and include the obligation to ensure that the Council acts lawfully at all times and in accordance with its constitution. The Monitoring Officer also has an important role to play in relation to the Members Code of Conduct and in particular in relation to the consideration and investigation of complaints against Members.
- 3.3 Neither the Head of Paid Service (Chief Executive) nor the Chief Finance Officer (S151 Officer) can hold the position of Monitoring Officer. Although many councils appoint their most senior legal officer as their Monitoring Officer this is not a requirement. Whoever is appointed must though ensure that the Council receives correct and appropriate advice on the lawfulness of its decision making.

- 3.4 Peter Baulf has been undertaking the role of Deputy City Solicitor and Monitoring Officer since October 2012.
- 3.5 Peter has a number of years' experience at councils as senior legal officer and is a qualified solicitor who was admitted to the Roll in 1994 He is considered to have the appropriate skills, experience at a senior level and ability to undertake the duties of the role.

4. Reasons for recommendations

- 4.1 To ensure that the Council meets its legal obligations in the appointment of a Monitoring Officer

5. Equality impact assessment

- 5.1 An Equality Impact Assessment was carried out as part of the report to Employment Committee on 13 February 2019.

6. Legal implications

- 6.1 These are contained within the report.

7. Director of Finance's comments

- 7.1 The financial consequences of the SMT review were reflected in the report to Employment Committee on 13 February 2019. The report concluded that there would be an estimated net saving of £149,000 to the Council in a full year as a result of the restructure (subject to the job evaluation process).

.....
Signed by:

Appendices:

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location

The recommendation(s) set out above were approved/ approved as amended/ deferred/
rejected by on

.....
Signed by: