

Title: **Appointment of Monitoring Officer**

Portfolio Holder: **Cllr Graham Payne**

Reporting Officer: **Andrew Pate**

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### **Purpose**

The purpose of this report is to seek Council's approval for the appointment of Tim Darsley as the Council's Monitoring Officer on a permanent basis.

### **Background**

Tim Darsley was appointed as the Council's Monitoring Officer as an interim measure on 14 September 2005.

There is a statutory requirement for each council to appoint a Monitoring Officer.

### **Key Issues**

The role of the Monitoring Officer is a statutory one and is as follows:

- to maintain the Constitution
- ensure proper corporate governance of the Authority and lawfulness and fairness of decision making
- to support the Standards Committee
- to act as the Property Officer for Access to Information
- to provide advice on the powers and procedures of the authority, maladministration, probity and budget and policy framework issues to all councillors

The Monitoring Officer cannot be the Head of Paid Service or the Chief Finance Officer.

## **Effect on Strategies and Codes**

The appointment of a Monitoring Officer is a requirement of our Constitution. The Constitution has been drafted to reflect the contents of the Local Government Act 2000.

## **Risk Management Implications**

It is a legal requirement to have a Monitoring Officer therefore there are legal risks of not making an appointment. It would be possible to continue the existing interim arrangement. It would be better for this to be made permanent as this would create greater certainty and clarity in the role.

The existing post holder has been effectively carrying out the duties of Monitoring Officer. There are clear benefits in ensuring continuity particularly as there is now more emphasis on members standards complaints being determined locally.

## **Finance and Performance Implication**

There are no financial implications arising as a result of this report.

## **Legal and Human Rights Implications**

The appointment of a Monitoring Officer is a legal requirement in accordance with Section 5 of the Local Government and Housing Act 1989. The Monitoring Officer does not need to be a qualified solicitor but does need access to legal advice. That advice is provided by the Head of Legal and Democratic Services who is also the Deputy Monitoring Officer.

## **Next Steps**

To confirm the appointment.

## **Recommendations**

The Council is recommended to:

- Appoint Tim Darsley as the Council's Monitoring Officer on a permanent basis.

## **Background Papers**

- Constitution - Article 12.