



SHEFFIELD CITY COUNCIL Report to Council

Report of: Chief Executive

Date: 4 July 2012

Subject: Designation of Monitoring Officer

Author of Report: John Mothersole

Summary:

This report outlines the role of the Monitoring Officer and recommends that the Director of Legal Services be designated as Monitoring Officer with effect from 1st August 2012.

Recommendations:

Council is invited to:

1. Note the role of the Monitoring Officer.
2. Resolve to designate the Director of Legal Services as Monitoring Officer from the 1st August 2012

Background Papers:

No documents which require listing were used in the preparation of this report.

Category of Report: OPEN

Report of the Chief Executive

Report to Council

Designation of Monitoring Officer

1. Introduction

- 1.1. The Council has a duty to designate one of its officers as Monitoring Officer. The Monitoring Officer is currently the Deputy Chief Executive who will retire in August 2012 and her post will be deleted.
- 1.2. This means that the Council has to decide which officer should now act as Monitoring Officer.

2. Detail

- 2.1 The Monitoring Officer has an important role to play within the Council. Initially the duties of the post were confined to reporting actual or potential illegality and / or maladministration to full Council.
- 2.2 The role was enhanced by the Local Government Act 2000. The Act introduced a provision which applies to Councils operating executive arrangements (like Sheffield) for the Monitoring Officer to report to the Executive (Cabinet) rather than Council where the decision or action relates to an executive function.
- 2.3 The role now also includes:
 - Supporting the voluntary Standards regime
 - Contributing to the promotion and maintenance of high standards of conduct within the Council;
 - Maintaining and updating the Constitution;
 - Advising on vires issues, maladministration and impropriety;
 - Attending all meetings of the Cabinet whether public or private;
 - Maintaining systems and processes for ensuring that allegations of breaches of the Code of Conduct for Members are dealt with in accordance with the voluntary framework;
 - Establishing and maintaining registers of members interests, gifts and hospitality;
 - Playing an important role in the relationship between Parish Councillors and the Standards Committee;
 - Acting as a point of contact for advice and / or queries by elected members;
- 2.4 Legality and high standards of conduct are crucial to the Council's performance and reputation and thus the role of Monitoring Officer is very important to the authority. It is vital that the Monitoring Officer enjoys the appropriate status within the authority and has access to decision making processes at both Member and officer level.
- 2.5 For this reason, I am recommending to Council that the Director of Legal Services is designated as Monitoring Officer.

2.6 The Monitoring Officer has a duty to appoint one or more officers as Deputy Monitoring Officer to act when s/he is absent on leave. This is his / her duty personally and cannot be exercised by the Council. I understand that it is the Director of Legal Service's intention to appoint the two Assistant Directors of legal Service as Deputy Monitoring Officers – both have Standards experience.

3. Financial Implications

3.1 There are no financial implications arising from the recommendations in this report.

4. Legal Implications

4.1 The authority has a duty under s.5 Local Government and Housing Act 1989 to designate one of its officers as Monitoring Officer and to provide that officer with staff, accommodation and other resources as s/he considers sufficient to allow those duties to be performed.

4.2 The Monitoring Officer is one of three important statutory roles. The other two are the Head of the Paid Service (the Chief Executive) and the Chief Finance Officer (in Sheffield the Director of Corporate Resources). The head of the paid service may also be the Chief Finance Officer, providing s/he holds an appropriate qualification, but may not be the Monitoring Officer.

5. Human Resources Implications

5.1 None arising.

6. Equality of Opportunities Implications

6.1 There are no equality of opportunities implications arising directly from this report.

7. Recommendations

7.1 Council is invited to

- 1) Note the role of the Monitoring Officer.
- 2) Resolve to designate the Director of Legal Services as Monitoring Officer from the 1st August 2012.

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