

**TO: COUNCIL
24 FEBRUARY 2016**

**APPOINTMENT OF MONITORING OFFICER
Director of Corporate Services – Legal Services**

1 PURPOSE OF REPORT

- 1.1 To formally confirm the appointment of the Council's Monitoring Officer to comply with the requirements of Section 5 of the Local Government and Housing Act 1989 (as amended).

2 RECOMMENDATION

- 2.1 **That the Borough Solicitor, Sanjay Prashar, be formally designated as Monitoring Officer and that such designation be retrospectively implemented from 29 June 2015 to coincide with his appointment.**

3 REASONS FOR RECOMMENDATION

- 3.1 Under Section 5 of the Local Government & Housing Act 1989 (as amended), the Council has a duty to appoint a Monitoring Officer. Neither the Head of Paid Service nor the Chief Finance Officer can hold the position of Monitoring Officer.
- 3.2 The Monitoring Officer has a number of statutory duties and responsibilities relating to the Council's Constitution and its arrangements for effective governance. These duties include maintaining the Constitution, ensuring that no decision or omission of the Council is likely to give rise to illegality or maladministration and promoting high standards of conduct. The Monitoring Officer functions are set out fully within Part 1 Section 9 of the Councils' Constitution.
- 3.3 The Council did not formally agree this designation on appointment in June though it was included as a specific element of the advertised post and in the brief for the Appointments Committee which the Council agreed on 26 November 2014.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 To appoint another officer of the Council- this is not recommended as there are advantages to appointing the senior legal expert as Monitoring Officer

5 SUPPORTING INFORMATION

- 5.1 The initial appointment of Mr Prashar as Borough Solicitor was made pursuant to a decision of the Member Appointment Panel supported by the Chief Executive and Head of Human Resources. The appointment incorporated his designation as Statutory Monitoring Officer and that designation is now put forward for adoption by the Council in accordance with its constitution.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

6.1 There are no additional legal implications other than those set out in the report.

Borough Treasurer

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

Equalities Impact Assessment

6.3 Not required

Strategic Risk Management Issues

6.4 None

7 CONSULTATION

7.1 None

Background Papers

None

Contact for further information

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