

# **Cherwell District Council**

## **Council**

**16 May 2017**

### **Appointment of Monitoring Officer**

#### **Report of Interim Head of Paid Service**

This report is public

#### **Purpose of report**

To appoint a monitoring officer in place of Kevin Lane, Head of Law and Governance, who leaves his employment with South Northamptonshire Council on 30 June 2017.

#### **1.0 Recommendations**

The meeting is recommended:

- 1.1 Pursuant to section 5 of the Local Government and Housing Act 1989 to appoint James Doble as the Council's monitoring officer with effect from 1 July 2017.

#### **2.0 Introduction**

- 2.1 The Local Government and Housing Act 1989 requires the Council to appoint a monitoring officer to be responsible for specified statutory functions.
- 2.2 As the current monitoring officer is leaving his employment on 30 June 2017 it is legally necessary for the Council to appoint a replacement with effect from 1 July 2017.

#### **3.0 Report Details**

- 3.1 Section 5 of the Local Government and Housing Act 1989 requires the Council to designate one of its officers to be the monitoring officer. The monitoring officer cannot be the Council's Head of Paid Service or its chief finance (section 151) officer. The Council is obliged to provide the monitoring officer with such staff, accommodation and other resources as he, in his opinion, requires to fulfil his statutory duties.
- 3.2 It is the duty of the monitoring officer to prepare a report to full council or Executive in relation to non-executive and executive functions respectively where he is of the opinion that any proposal, decision or omission by the council has given rise to, or

is likely to or would give rise to a contravention of any enactment or rule of law, or to maladministration. Such a report must be considered by members within 21 days and the implementation of any relevant decision must be held in abeyance until the report is considered.

- 3.3 The monitoring officer also has responsibility pursuant to sections 27-34 of the Localism Act 2011 to administer the ethical regime for members of the Council and all parish councillors in the Council's district, as well as acting as the monitoring officer for all such parish councils.
- 3.4 In addition the monitoring officer, as one of the three statutory officers, has a general role in ensuring and advising on the lawfulness the Council's actions.
- 3.5 The current monitoring officer, Kevin Lane, Head of Law and Governance, is leaving his employment with South Northamptonshire Council on 30 June 2017. Mr Lane acts as monitoring officer for Cherwell District Council, as well as South Northamptonshire Council, pursuant to the shared working agreement entered into by the two councils pursuant to section 113 of the Local Government Act 1972.
- 3.6 Accordingly it is necessary for another officer to be designated as monitoring officer with effect from 1 July 2017. My recommendation is that James Doble, Assistant Director – Transformational Governance, should be appointed to this role while the councils have interim senior management arrangements pending the implementation of phase 2 of the senior management restructure in due course.
- 3.7 A similar recommendation is being made to South Northamptonshire Council at its meeting on 17 May 2017.
- 3.8 Subject to his appointment Mr Doble will be requested to appoint at least one deputy monitoring officer to act in his absence or where there might be a conflict of interest between the two councils.

## **4.0 Conclusion and Reasons for Recommendations**

- 4.1 In accordance with statutory requirements it is recommended that James Doble be appointed as the Council's monitoring officer for the interim period between Mr Lane's departure and the implementation of phase 2 of the senior management restructure.

## **5.0 Consultation**

- 5.1 None other than with the proposed appointee.

## **6.0 Alternative Options and Reasons for Rejection**

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: To appoint an alternative officer. This is rejected because Mr Doble has the necessary skills and experience to fulfil the role.

Option 2: not to appoint a monitoring officer. This is rejected as the Council is legally required to appoint.

## 7.0 Implications

### Financial and Resource Implications

- 7.1 A special responsibility payment of £2,500pa is paid to the monitoring officer and this cost is shared with South Northamptonshire Council. The amount is available in approved budgets.

Comments checked by:

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### Legal Implications

- 7.2 These are set out in the body of the report. It is necessary for full council to approve the appointment of a monitoring officer.

Comments checked by:

Kevin Lane, Head of Law & Governance, 0300 003 0107,  
[kevin.lane@cherwellandsouthnorthants.gov.uk](mailto:kevin.lane@cherwellandsouthnorthants.gov.uk)

## 8.0 Decision Information

### Wards Affected

All.

### Links to Corporate Plan and Policy Framework

Not applicable – this report is made pursuant to a statutory requirement.

### Lead Councillor

Councillor Barry Wood, Leader of the Council.

### Document Information

Appendix No	Title
N/A	N/A
<b>Background Papers</b>	
N/A	
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