

STROUD DISTRICT COUNCIL

**AGENDA
ITEM NO**

COUNCIL

25 APRIL 2019

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Report Title	DESIGNATION OF MONITORING OFFICER
Purpose of Report	To designate an officer of the Council as the Monitoring Officer.
Decision(s)	Council RESOLVES to: 1. Designate Patrick Arran as Monitoring Officer until the 26th of September 2019.
Consultation and Feedback	This is a management and legal requirement and not subject to any formal consultation.
Financial Implications and Risk Assessment	There are no direct financial implications arising from this report. Andrew Cummings, Section 151 Officer Tel: 01453 754115 Email: andrew.cummings@stroud.gov.uk
Legal Implications	There is a legal requirement for the Council to designate an officer as Monitoring Officer (who cannot be the chief finance officer or head of paid service). All further legal implications are set out in the report. Craig Hallett, Solicitor & Deputy Monitoring Officer Tel: 01453 754364 Email: craig.hallett@stroud.gov.uk
Report Author	Kathy O'Leary, Chief Executive Email: kathy.o'leary@stroud.gov.uk
Options	The Council may appoint a different officer but there is a legal requirement to designate an officer as Monitoring Officer.
Background Papers/ Appendices	None

1. Under Section 5 of the Local Government and Housing Act 1989 (as amended) the Council has a duty to designate one of its officers as Monitoring Officer.
- 1.2 The Monitoring Officer has a number of statutory duties and responsibilities which include ensuring that the Council act lawfully and to avoid any maladministration. This includes advising on the lawfulness of decision making, applying and maintaining the Council's Constitution and arrangements for effective governance. The Monitoring Officer is also responsible for promoting high standards of conduct and ethical behaviour.

- 1.3 The previous Monitoring Officer, Karen Trickey, left the Council in October 2018 and temporary arrangements have been in place since. The Chief Executive has agreed with One Legal that it will provide a suitably experienced officer to fulfil the role of Head of Legal and Monitoring Officer whilst a review of Legal Services is undertaken. One Legal has seconded Patrick Arran to the Council and he has been in post since the 11th of March 2019. Mr Arran has extensive management and legal experience and has been a Monitoring Officer in other authorities for eight years. The legal requirement is for the Council to designate an officer as Monitoring Officer, but there is no necessity for that officer to an employee of the Council.