

Council Report

Ward(s) affected: n/a

Report of the Director of Resources

Author: John Armstrong

Tel: 01483 444102

Email: john.armstrong@guildford.gov.uk

Lead Councillor responsible: Matt Furniss

Tel: 07891 022206

Email: matt.furniss@guildford.gov.uk

Date: 7 February 2018

## Designation of Monitoring Officer

### Executive summary

Following the departure from the Council of its former Legal Services Manager and Monitoring Officer (Sandra Herbert) in June 2017, the Council undertook a recruitment exercise in September 2017 to appoint to a new role, "Council Solicitor and Monitoring Officer".

Following selection interviews, Robert Parkin, former Deputy City Solicitor (and Deputy Monitoring Officer) at Portsmouth City Council, was appointed. Robert started in his new role at Guildford on 16 January 2018.

As the job title indicates, the role includes designation as the Council's Monitoring Officer. However, formal designation to this role is subject to approval by full Council.

### Recommendation:

That Robert Parkin be designated as the Monitoring Officer for the Council with immediate effect.

### Reason for Recommendation:

To comply with the requirements of the Local Government and Housing Act 1989 (as amended).

### 1. Purpose of Report

- 1.1 To designate an officer of the Council as the officer responsible for performing the duties imposed by Section 5 of the Local Government and Housing Act 1989 (as amended), that is, the Monitoring Officer.

### 2. Background

- 2.1 Under Section 5 of the Local Government and Housing Act 1989 (as amended) ("the 1989 Act"), the Council has a duty to designate one of its officers as Monitoring Officer.

- 2.2 The Monitoring Officer has a number of statutory duties and responsibilities relating to the Council's Constitution and our 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 unlawfulness or maladministration and promoting high standards of conduct. A full list of the Monitoring Officer's responsibilities and delegated powers is included within the Councils' Constitution (see Part 2 (Article13)).

### **3. Designation of Monitoring Officer**

- 3.1 A local authority has general flexibility to appoint whatever officers it thinks fit. Despite this general flexibility, there are a number of statutory exceptions.
- 3.2 The 1989 Act (Section 5) provides that the Council must designate a Monitoring Officer to check on the correctness and propriety of the authority's decisions. The Monitoring officer may not also be Head of Paid Service or the Council's Chief Finance Officer. The Monitoring Officer has power, under Section 5A of the 1989 Act, to nominate deputies.
- 3.3 Although the Monitoring Officer does not necessarily have to be a solicitor, most councils designate their most senior solicitor in that role.
- 3.4 Following the departure from the Council of its former Legal Services Manager and Monitoring Officer (Sandra Herbert) in June 2017, the Council undertook a recruitment exercise in September 2017 to appoint to a new role, "Council Solicitor and Monitoring Officer".
- 3.5 Following selection interviews, Robert Parkin, former Deputy City Solicitor (and Deputy Monitoring Officer) at Portsmouth City Council, was appointed. Robert started in his new role at Guildford on 16 January 2018.
- 3.6 Robert acted as Deputy City Solicitor and Deputy Monitoring Officer for both Portsmouth City Council - regularly dealing with a wide range of matters on behalf of the Monitoring Officer in his absence, but leading on individual matters as well - including corporate governance, and commercial, planning, and highways matters. He was also the legal advisor to the Solent Local Enterprise Partnership, Solent Growth Forum, and the Police and Crime Panel for Hampshire and the Isle of Wight. Prior to this, he worked for the London Borough of Hounslow, Bristol City Council, and the Office of the Local Government Ombudsmen.
- 3.7 Robert frequently deputised for the City Solicitor/Monitoring Officer, attending and advising full Council, cabinet, and the array of meetings (scrutiny, planning etc), and often led on governance and strategic legal matters on his behalf. This included, for example, acting as lead advisor on various governance, and conduct matters, and on strategic projects, including major regeneration schemes, PFI and PPP projects, joint venturing, and local government reorganisation.

### **4. Financial Implications**

- 4.1 The Monitoring Officer is paid an honorarium of £5,300 per annum, which is met from existing budgets.

### **5. Legal Implications**

- 5.1 These are set out in the report.

**6. Human Resource Implications**

6.1 None

**7. Background papers**

None

**8. Appendices**

None