

Appointment of Monitoring Officer
Report by Chief Executive

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| Summary: | This report seeks the Authority's formal appointment to the position of Monitoring Officer for the Broads Authority. |
| Recommendation: | That the Authority approves the appointment of David Harris as the Monitoring Officer for the Broads Authority, with effect from 31 May 2016. |

1 Introduction

- 1.1 The Authority must, under section 5 of the Local Government and Housing Act, appoint a Monitoring Officer.
- 1.2 The Monitoring Officer is a statutory post and as with other statutory posts, such as the Chief Executive, this appointment must be confirmed by the full Authority.
- 1.3 The role of Monitoring Officer has been filled by Victoria McNeill, of Nplaw since December 2015 following the departure of Solicitor and Monitoring Officer, Mr Piero Ionta. Following approval by the Broads Authority at its meeting on 22 January to recruit a replacement for the vacant internal post, Mr David Harris has been appointed to join the Authority as Solicitor and Monitoring Officer from 31 May 2016.

2 Role of the Monitoring Officer

- 2.1 The requirement to appoint a Monitoring Officer, and the functions of the Monitoring Officer are set out in section 5 of the Local Government and Housing Act 1989 (LGHA 1989), as amended by schedule 5, paragraph 24 of the Local Government Act 2000.
- 2.2 The Authority is required to designate one of its officers as a 'monitoring officer' and 'to provide that officer with such staff, accommodation and other resources as are, in his opinion, sufficient to allow those duties to be performed'. The Monitoring Officer may be the head of an authority's paid service, but cannot be its chief finance officer.
- 2.3 The duties of the Monitoring Officer include:
 - Reporting to the Authority in any case where the Monitoring Officer is of the opinion that any proposal or decision of the Authority has or is likely to give rise to any illegality or maladministration

- To be responsible for matters relating to the conduct of members and officers, including investigations into allegations about the conduct of Members
- To be responsible for the operation of the Authority’s “constitution”
- A requirement to appoint a deputy Monitoring Officer

2.4 The first two duties are specific statutory requirements; the remainder flow from them. A fuller specification of the Monitoring Officer role is set out at Appendix 1 to this report. Mr Harris will be asked to consider the appointment of a deputy once he is in post.

3 Conclusion

3.1 The Authority is requested to confirm the appointment of David Harris as the Monitoring Officer to the Broads Authority.

Background papers: None

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Date of report: April 2016

Broads Plan Objectives: None

Appendices: APPENDIX 1 – Functions of the Monitoring Officer

APPENDIX 1

Functions of the Monitoring Officer

The Monitoring Officer would be expected to deliver functions as outlined in the schedule below:

| | Working with relevant officers of the Authority the Monitoring Officer will: | Source of requirement: |
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| 1. | Report to the Authority on contraventions or likely contraventions of any enactment or rule of law | Section 5 LGHA 1989 |
| 2. | Report to the Authority any maladministration or injustice where the Ombudsman has carried out an investigation | Section 5 LGHA 1989 |
| 3. | Report to the Authority on resources required to carry out functions | Section 5 LGHA 1989 |
| 4. | Appoint a Deputy Monitoring officer | Section 5 LGHA 1989 |
| 5. | Arrange for members to sign the undertaking to abide by the Code of Conduct before taking up their appointment with the Authority | Accepted authority practice |
| 6. | Arrange for members to notify the Monitoring Officer of any disclosable pecuniary, personal or prejudicial interests within 28 days of becoming aware of any new interest or change in any interest registered | Members Code of Conduct |
| 7. | Arrange for members to notify the Monitoring Officer of any disclosable pecuniary, personal or prejudicial interests within 28 days of becoming a member of the Authority | Section 30 Localism Act 2011 and Members Code of Conduct |
| 8. | Maintain the register of gifts and hospitality and register of members interests | Section 29 of the Localism Act 2011 and Members Code of Conduct |
| 9. | Provide advice to Members on the Code of Conduct | Accepted authority practice |
| 10. | Provide advice to the Financial Scrutiny and Audit Committee on the standards framework and its application | Accepted authority practice |
| 11. | Investigate and report on allegations of misconduct under the Code of Conduct | Accepted authority practice |

| | Working with relevant officers of the Authority the Monitoring Officer will: | Source of requirement: |
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| 12. | Appoint a person to investigate and report on allegations of misconduct under the Code of Conduct | Accepted authority practice |
| 13. | Arrange relevant hearing to consider reports from the Monitoring Officer, or other Investigating Officer, on allegations of misconduct by a member | Accepted authority practice |
| 14. | Promote and maintain high standards of conduct through support to the Financial Scrutiny and Audit Committee | Chapter 7 – Standards Localism Act 2011 |
| 15. | Make payments of compensation for maladministration | Section 92 LGA 2000 |
| 16. | Provide Advice to members on vires issues, maladministration, probity and policy framework, financial impropriety and budget issues in consultation with the Chief Finance Officer where appropriate | DCLG guidance |
| 17. | Investigate complaints against a member not covered by the Code of Conduct | Accepted authority practice |