

**Meeting: COUNCIL**

**Date: 15 JULY 2020**

## **APPOINTMENT OF MONITORING OFFICER**

Author – Mary Cormack (Ext.2212)

Lead Officer – Matt Partridge (Ext. 2456)

Contact Officer – Jackie Cansick (Ext. 2216)

### **1. PURPOSE**

To appoint the Monitoring Officer in accordance with s5 Local Government and Housing Act 1989.

### **2. RECOMMENDATIONS**

- 2.1 That Simon Banks be appointed as the Council's Monitoring Officer with effect from 20 July 2020.

### **3. BACKGROUND**

- 3.1 Under s5 Local Government and Housing Act 1989 the Council must designate one of its officers as its Monitoring Officer.
- 3.2 The Monitoring Officer is responsible for producing a report where they are of the opinion that any proposal, decision or omission of the Council, its committees or subcommittees or anyone employed by the Council is, or is likely to be, illegal or to constitute maladministration. The Monitoring Officer is also responsible for maintaining the register of Members' interests and for administering the arrangements for considering complaints of breaches of the Members' Code of Conduct.
- 3.3 In May 2017 Council appointed Mary Cormack, Assistant Chief Legal Officer at Hertfordshire County Council as Monitoring Officer. She is now due to retire and it is therefore necessary to appoint a new Monitoring Officer with effect from 20 July 2020.
- 3.4 The County Council has agreed to second Simon Banks to Stevenage Borough Council under s113 Local Government Act 1972. Under s113 (2) he will remain employed by the County Council but for the purposes of any enactment relating to the discharge of local authorities' functions is to be treated as an officer of Stevenage Borough Council. He is therefore eligible for appointment by Stevenage Borough Council as its Monitoring Officer.
- 3.5 Simon Banks will be the Lead Lawyer for the Shared Legal Service from 20 July 2020 and will be responsible for the day to day operation of the service.

#### **4. REASONS FOR RECOMMENDED COURSE OF ACTION AND OTHER OPTIONS**

- 4.1. Simon Banks has proven experience and skills for this role having been an Assistant Chief Legal Officer and Deputy Monitoring Officer at the County Council since July 2017 and Deputy Monitoring Officer of Stevenage Borough Council since 1 August 2017.

#### **5. IMPLICATIONS**

##### **5.1. Financial Implications**

The cost of the Monitoring Officer is paid by Stevenage Borough Council to Hertfordshire County Council in accordance with the Partnership Agreement relating to the Shared Legal Service.

##### **5.2. Legal Implications**

The legal implications are set out in the body of the report.

#### **APPENDICES**

None

#### **BACKGROUND DOCUMENTS**

None