

NON EXEMPT

HAVANT BOROUGH COUNCIL

COUNCIL

2 September 2015

APPOINTMENT OF MONITORING OFFICER

Report By Senior Contentious Lawyer

FOR DECISION

Key Decision: N/A

1.0 Purpose of Report

- 1.1 To comply with the requirements of the Local Government & Housing Act 1989 (as amended), the Council is requested to appoint a Monitoring Officer as recommended below.

2.0 Recommendation

- 2.1 That in accordance with Section 5 of the Local Government and Housing Act 1989, Mr Nick Leach be appointed as the Council's Monitoring Officer with immediate effect.

3.0 Summary

- 3.1 Following the departure of the previous Monitoring Officer, the Council is required to appoint a replacement.

4.0 Subject of Report

- 4.1 Under Section 5 of the Local Government & Housing Act 1989 (as amended), the Council has a duty to appoint a Monitoring Officer. Neither the Head of Paid Service nor the Chief Finance Officer can hold the position of Monitoring Officer.
- 4.2 The Monitoring Officer has a number of statutory duties and responsibilities relating to the Council's Constitution and 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 illegality 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.
- 4.3 The previous Monitoring Officer, Jo Barden-Hernandez is no longer employed by the Councils and there is therefore a need to appoint a Monitoring Officer as soon as possible. Mr Nick Leach is an experienced local government solicitor who has been the Deputy Monitoring Officer for a number of years. Whilst Jo

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Barden-Hernandez was in post he took on a significant amount of the work of the Monitoring Officer.

- 4.4 It is anticipated that, once appointed, Mr Leach will wish to appoint Deputy Monitoring Officer(s) but this is not a matter for the Council to determine.

5.0 Implications

- 5.1 **Resources:** Financial provision will be met from existing budgets.

- 5.2 **Legal:** There are no additional legal implications other than those set out in the report.

- 5.3 **Strategy:** The appointment reflects the Council's intention to work in an efficient way and in accordance with legislation.

- 5.4 **Risks:** There are risks associated with the Council not having a Monitoring Officer in place.

- 5.5 **Communications:** The appointment of the new Monitoring Officer will be notified to those who need to know.

- 5.6 **For the Community:** The appointment provides continuity following the departure of the previous Monitoring Officer.

6.0 Consultation

Executive Head of Governance & Logistics: 26 August 2015
Executive Head of Marketing & development: 26 August 2015

Appendices: None

Background Papers: None

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