

Full Council

8 November 2016



Report of: Stephen Hughes – Interim Chief Executive

Title: Designation of Monitoring Officer

Ward: N/A

Recommendation:

That Full Council confirms the designation of Shahzia Daya, Service Director: Legal and Democratic Services as Monitoring Officer.

Summary:

Under section 5, Local Government and Housing Act 1989 section 5, the Council must designate one of its officers as the Monitoring Officer.

The significant issues in the report are:

Policy

The designation the Monitoring Officer is a Full Council responsibility

Consultation

Selection committee comprising Councillors Cheney, Tincknell, Holland, Hopkins, Clarke and Eddy held on 24th October 2016.

External

N/A



Proposal

Shahzia Daya be appointed as the Council's statutory Monitoring Officer

Other options considered

None

Risk Assessment

The appointment of Monitoring Officer is a statutory requirement.

Public sector equality duties:

Before making a decision, section 149 Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following "protected characteristics": age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:

i) Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.

ii) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to:

- remove or minimise disadvantage suffered by persons who share a relevant protected characteristic;

- take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);

- encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

iii) Foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to:

- tackle prejudice; and
- promote understanding.

There are no proposals in this report, which require either a statement as to the relevance of public sector equality duties or an Equalities Impact Assessment.

Environmental checklist / eco impact assessment

There are no proposals in this report which have environmental impacts

Legal and Resource Implications

The position of Monitoring Officer is a statutory requirement. The post requires absolute integrity and a commitment to lawful and proper decision-making.

The Local Government and Housing Act 1989 section 5 states (and summarised):

- 1) It shall be the duty of every relevant authority -
- a) To designate one of their officers (to be known as "the monitoring officer") as the officer

- responsible for performing the duties imposed by this section; and
- b) To provide that officer with such staff, accommodation and other resources as are, in his opinion, sufficient to allow those duties to be performed:
- 2) It shall be the duty of a monitoring officer, if it at any time appears to him that any proposal, decision or omission by the authority, by any committee, or sub-committee of the authority, by any person holding any office or employment under the authority or by any joint committee on which the authority are represented constitutes, has given rise to or is likely to or would give rise to –
 - a) A contravention by the authority, by any committee, or sub-committee of the authority, by any person holding any office or employment under the authority or by any such joint committee of any enactment or rule of law or of any code of practice made or approved by or under any enactment; or
 - b) Any such maladministration or injustice as is mentioned in Part III of the Local Government Act 1974 to prepare a report to the authority with respect to that proposal, decision or omission.

Financial

(a) Revenue

- 1. There are no direct revenue implications contained with this report

(b) Capital

- 2. There are no direct capital investment implications contained within this report.

Land

- 3. There are no direct implications for this report.

Personnel

- 4. The role of Monitoring Officer is contained within the job description for the Service Director:
Legal and Democratic Services

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

None