

### **3.3.7 Monitoring Officer (and Deputy Director of Legal Services)**

#### **STATUTORY**

- (a) To act as the Monitoring Officer for the Council in accordance with the duties set out in Section 5 of the Local Government Act 1989.

#### **GOVERNANCE**

- (b) To prepare, approve and issue or serve all legal documentation (including statutory notices and licences) on behalf of the Council.
- (c) To commence, progress and defend (as appropriate) all legal proceedings on behalf of the Council in any court or tribunal.
- (d) To sign, serve, advertise and receive notices and documents (including requisitions) on behalf of the Council in relation to any formal or legal procedures.
- (e) To certify as a true and correct record any documents in accordance with section 229 of the Local Government Act 1972.
- (f) To sign or endorse any documents on behalf of the borough as required from time to time.
- (g) To instruct and/or seek the opinion of legal counsel and/or external solicitors in consultation with the Chief Executive or any Strategic Director and to instruct legal counsel or experts to advise or appear on any matter and to agree fees arising.
- (h) In consultation with the Strategic Director of Resources to settle claims in proceedings commenced or about to be commenced against the Council in a court or tribunal up to a limit of £100,000. Settlement of claims that exceed £100,000 require the approval of the relevant individual Cabinet Member or of the Cabinet, unless the decision is required to be made immediately before, at, or during a hearing.
- (i) To arrange for the administration of all statutory appeals.
- (j) To authorise appropriately qualified Council staff to represent the Council and to conduct legal proceedings in any Court or Tribunal.
- (k) To undertake those functions assigned to the Monitoring officer under:
  - (i) Part 3, Section 4 of the Constitution: functions not to be the responsibility of an Authority's Executive
  - (ii) Part 3, Section 5 of this Constitution: local choice functions
  - (iii) Part 3, Section 6 of this constitution: Proper Officer function
- (l) To authorise activities under the Regulation of Investigatory Powers Act 2000 and to monitor proper use of activities under that Act
- (m) To develop and implement the Council's information governance policies and protocols.

- (n) To approve arrangements for members' training.
- (o) The Chief Executive and the Monitoring Officer are designated by the Secretary of State as qualified persons for the purpose of Section 36 of the Freedom of Information Act 2000. The Monitoring Officer is to be the primary qualified person with the Chief Executive carrying out the function in the Monitoring Officer's absence.
- (p) To maintain an up-to-date version of the constitution and ensure that it is widely available for consultation by members, staff and the public.
- (q) To make changes to the Constitution pursuant to Article 11 of the Constitution.
- (r) After consulting with the Chief Executive and the Strategic Director of Resources, to report to the full Council or to the Cabinet in relation to any function if:
  - (i) he or she considers that any proposal, decision or omission would give rise to unlawfulness, or
  - (ii) where a Local Commissioner has conducted an investigation to the proposal, decision or omission concerned, any proposal, decision or omission has given rise to maladministration.

Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (s) To consider any complaint made against a Councillor in accordance with the Code of Conduct for Members and the procedure for dealing with complaints against Members as contained within this Constitution at Section 5.1 and 5.2.
- (t) To ensure that executive decisions, together with the reasons for those decisions and relevant staff reports and background papers are made publicly available as soon as possible.
- (u) To advise whether decisions of the Executive or officers are in accordance with the policy framework in consultation with the Chief Executive and the Strategic Director of Resources, where appropriate.
- (v) To give undertakings on behalf of the Council.
- (w) To authorise and attest to the Seal of the Council in accordance with Article 10 in Part 2 of Constitution.

#### Head of Committee and Election Services

[To be immediately sub-delegated.](#)

- (x) To undertake all the administrative procedures for Hearings Panels and any other panels or Sub-Committees required under the terms of reference of the Licensing Committee: including but not limited to the appointment and re-appointment of independent persons for hearings, the selection of members or independent persons to consider specific cases, the arrangement of panels and dates and the appointment of Chairs of panels.

- (y) In consultation with the Leader of the Group of which the previous appointee is a Member, to appoint a Member of the Council to fill a casual vacancy in any appointment to another organisation arising during the course of a municipal year.
- (z) In consultation with Cabinet Members, Group Leaders and the Chairs of Committees, to determine the schedule of meetings for each municipal year (including dates, times and places of meeting)
- (aa) To exercise general use and hire of the Council Chamber for the purpose of meetings and other authorised events in accordance with approved fee scales and principles and guidelines agreed by the Governance Committee, but to be able to waive or reduce scales of fees and charges in suitable cases. To exercise general management of the Council Chamber, Committee Rooms and other accommodation for Members, including any audio-visual or other information technology equipment installed therein
- (bb) Undertake those functions assigned under: (i) Part 3, Section 6 of this constitution: Proper Officer functions

#### Election Services Manager

(ccc) To undertake those functions assigned under Part 3, section 6 of this constitution (Proper Officer function)

#### **3.3.8 Functions of Scrutiny Officer**

The Assistant Director, Insight, Policy and Strategy is appointed as the Council's Statutory Officer.

- (a) To promote the role of the authority's Overview and Scrutiny Board or Sub-Committees;
- (b) To provide support to the authority's Overview and Scrutiny Board or SubCommittees and the members of that committee or those committees;
- (c) To provide support and guidance to –
  - (i) members of the authority,
  - (ii) members of the executive of the authority, and
  - (iii) officers of the authority, in relation to the functions of the authority's Overview and Scrutiny Board or Sub-Committees