



## Senior Appointments Committee

Meeting: Wednesday, 20th July 2016 at 5.00 pm in Civic Suite, North Warehouse, The Docks, Gloucester, GL1 2EP

<b>Membership:</b>	Cllrs. James (Chair), Dallimore (Vice-Chair), D. Norman, Haigh and Hilton
<b>Contact:</b>	Sonia Tucker Democratic Services Officer 01452 396126 sonia.tucker@gloucester.gov.uk

### AGENDA

<b>1.</b>	<b>APPOINTMENT OF CHAIR AND VICE-CHAIR</b>  To note the appointments made at Annual Council on 23 May 2016:-  Chair, Councillor James Vice-Chair, Councillor Dallimore
<b>2.</b>	<b>DECLARATIONS OF INTEREST</b>  To receive from Members, declarations of the existence of any disclosable pecuniary, or non-pecuniary, interests and the nature of those interests in relation to any agenda item. Please see Agenda Notes.
<b>3.</b>	<b>PUBLIC QUESTIONS (15 MINUTES)</b>  To receive any questions from members of the public provided that a question does not relate to: <ul style="list-style-type: none"> <li>• Matters which are the subject of current or pending legal proceedings, or</li> <li>• Matters relating to employees or former employees of the Council or comments in respect of individual Council Officers</li> </ul>
<b>4.</b>	<b>PETITIONS AND DEPUTATIONS (15 MINUTES)</b>  To receive any petitions and deputations provided that no such petition or deputation is in relation to: <ul style="list-style-type: none"> <li>• Matters relating to individual Council Officers, or</li> <li>• Matters relating to current or pending legal proceedings</li> </ul>
<b>5.</b>	<b>DESIGNATION OF MONITORING OFFICER (Pages 7 - 10)</b>  To receive the report of the Head of Paid Service

*J.McGinty*

**Jon McGinty**  
Managing Director

## NOTES

### Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

<u>Interest</u>	<u>Prescribed description</u>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made or provided within the previous 12 months (up to and including the date of notification of the interest) in respect of any expenses incurred by you carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between you, your spouse or civil partner or person with whom you are living as a spouse or civil partner (or a body in which you or they have a beneficial interest) and the Council (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged
Land	Any beneficial interest in land which is within the Council's area.  For this purpose "land" includes an easement, servitude, interest or right in or over land which does not carry with it a right for you, your spouse, civil partner or person with whom you are living as a spouse or civil partner (alone or jointly with another) to occupy the land or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the Council's area for a month or longer.
Corporate tenancies	Any tenancy where (to your knowledge) –  (a) the landlord is the Council; and (b) the tenant is a body in which you, your spouse or civil partner or a person you are living with as a spouse or civil partner has a beneficial interest
Securities	Any beneficial interest in securities of a body where –  (a) that body (to your knowledge) has a place of business or land in the Council's area and

- (b) either –
- i. The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
  - ii. If the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, your spouse or civil partner or person with whom you are living as a spouse or civil partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose, “securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

**NOTE:** the requirements in respect of the registration and disclosure of Disclosable Pecuniary Interests and withdrawing from participating in respect of any matter where you have a Disclosable Pecuniary Interest apply to your interests and those of your spouse or civil partner or person with whom you are living as a spouse or civil partner where you are aware of their interest.

#### **Access to Information**

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For further details and enquiries about this meeting please contact Tanya Davies, 01452 396125, [tanya.davies@gloucester.gov.uk](mailto:tanya.davies@gloucester.gov.uk).

For general enquiries about Gloucester City Council’s meetings please contact Democratic Services, 01452 396126, [democratic.services@gloucester.gov.uk](mailto:democratic.services@gloucester.gov.uk).

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#### **FIRE / EMERGENCY EVACUATION PROCEDURE**

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- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building; gather at the assembly point in the car park and await further instructions;
- Do not re-enter the building until told by a member of staff or the fire brigade that it is safe to do so.

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## Gloucester City Council

<b>Meeting:</b>	<b>Senior Appointments Committee Council</b>	<b>Date:</b>	<b>20 July 2016 21 July 2016</b>
<b>Subject:</b>	<b>Designation of Monitoring Officer</b>		
<b>Report Of:</b>	<b>Head of Paid Service</b>		
<b>Wards Affected:</b>	<b>All</b>		
<b>Key Decision:</b>	<b>No</b>	<b>Budget/Policy Framework:</b>	<b>No</b>
<b>Contact Officer:</b>	<b>Jon McGinty, Managing Director</b>		
	<b>Email: jon.mcginty@gloucester.gov.uk</b>	<b>Tel: 39-6200</b>	
<b>Appendices:</b>	<b>None</b>		

### FOR GENERAL RELEASE

#### 1.0 Purpose of Report

1.1 To designate a Monitoring Officer.

#### 2.0 Recommendations

2.1 Senior Appointments Committee is asked to **RESOLVE TO RECOMMEND TO COUNCIL** that

- (1) Jonathan Lund, Corporate Director, be designated as Monitoring Officer for the City Council in accordance with section 5 of the Local Government and Housing Act 1989 with immediate effect.
- (2) Authority be delegated to the Monitoring Officer to vary the secondment agreement between Gloucester City Council, Tewkesbury Borough Council (One Legal) and Shirin Wotherspoon to provide legal advice and related services to the Monitoring Officer including, but not only, the services of a legally qualified Deputy Monitoring Officer.

2.2 Council is asked to **RESOLVE**

- (1) To designate Jonathan Lund, Corporate Director, as Monitoring Officer for the City Council in accordance with section 5 of the Local Government and Housing Act 1989 with immediate effect.
- (2) To delegate authority to the Monitoring Officer to vary the secondment agreement between Gloucester City Council, Tewkesbury Borough Council (One Legal) and Shirin Wotherspoon to provide legal advice and related services to the Monitoring Officer including, but not only, the services of a legally qualified Deputy Monitoring Officer.

### **3.0 Background and Key Issues**

- 3.1 The Local Government and Housing Act 1989, Section 5, requires all local authorities to designate one of their officers as the “Monitoring Officer”. The Act specifically excludes the Head of Paid Service and the Chief Finance Officer (Section 151 Officer) from being the Monitoring Officer, although any other officer of the Council can be appointed.
- 3.2 The Act imposes a duty on the Monitoring Officer, if at any time there appears to the Monitoring Officer that any proposal, decision or omission of the Council, or Committee etc. either has given rise to, or is likely to give rise to, a breach of any law, or any maladministration as would be dealt with by the Ombudsman, to prepare a report to the Council specifying the contravention.
- 3.3 The Monitoring Officer also has a number of responsibilities arising from the Localism Act 2011 relating to Councillor conduct (City and its Parish Council). These responsibilities include dealing with complaints on the Code of Conduct, as well as providing training for Members thereon. There is a close connection with the S151 Officer and Internal Audit and the Monitoring Officer is a member of the Corporate Governance Group.
- 3.4 The current functions of the Monitoring Officer are specified in the Constitution, including the Monitoring Officer’s Protocol although some of these may be assigned to other officers by the Managing Director. There is no statutory requirement for the Monitoring Officer to be a Solicitor.
- 3.5 Following the departure of the City Council’s Monitoring Officer in June 2015 One Legal was engaged to provide the Monitoring Officer function for Gloucester City Council for an interim period of one year – to July 2016. During that period the Monitoring Officer function has been provided by Shirin Wotherspoon, a member of the One Legal Management Team and the designated lead lawyer from One Legal for the City Council.
- 3.6 As a consequence of the recruitment of new Corporate Directors, one of the new Directors has recent past experience of acting as Monitoring Officer at a local authority. Prior to his appointment as Corporate Director at Gloucester City Council Jonathan Lund was the Monitoring Officer at Selby District Council for 8 years. This allows the Council to consider designating the Monitoring Officer role to an experienced officer directly employed by the City Council.
- 3.7 This possibility has been discussed and agreed with One Legal and the current Monitoring Officer. It would allow Shirin to refocus her work on a busy portfolio of commercial law across the One Legal partnership as well as to conduct the role of the lead lawyer for the City Council. The proposal would save the City Council £20,000 per annum
- 3.8 The Monitoring Officer has the authority to appoint deputies. Tanya Davies (Democratic Services Manager) has served as Deputy MO for the past year and it is proposed that this appointment would continue. In addition, and to ensure that the MO continues to have access to legal advice and associated services it is proposed to retain the services of One Legal and Shirin Wotherspoon as a second Deputy MO.

#### **4.0 Alternative Options Considered**

- 4.1 The secondment arrangement with One Legal could continue. The arrangement costs £28,500 pa based upon an average of one day per week plus additional responsibility allowances. However, this option would miss an opportunity to use the experience of a newly recruited senior officer, make a saving and allow the existing MO to refocus her skills on a busy portfolio of legal work,

#### **5.0 Reasons for Recommendations**

- 5.1 It is a legal requirement that the Council designates an officer as the Council's Monitoring Officer. The Head of Paid Service advises that designating Jonathan Lund as Monitoring Officer is the best solution for the Council of the available options, and will allow the strong working relationships already in place between One Legal and the Council to continue.

#### **6.0 Financial Implications**

- 6.1 The current secondment arrangements cost £28,500pa. It is proposed that on ongoing retainer to continue to secure direct legal advice and services relating to the Monitoring Officer function, including the appointment of Shirin Wotherspoon as a Deputy MO, will cost £8,500pa. The net annual saving to the City Council will be £20,000.

(Financial Services have been consulted in the preparation this report.)

#### **7.0 Legal Implications**

- 7.1 These are contained in the main body of the report.

(One Legal have been consulted in the preparation this report.)

#### **8.0 Risk & Opportunity Management Implications**

- 8.1 If a Monitoring Officer is not in post, the Council would be in breach of Section 5 Local Government and Housing Act 1989.

#### **9.0 People Impact Assessment (PIA):**

- 9.1 None.

#### **10.0 Other Corporate Implications**

##### Community Safety

- 10.1 None.

##### Sustainability

10.2 None.

Staffing & Trade Union

10.3 The Local Government and Housing Act 1989 requirement that the person designated as Monitoring Officer is an officer of the Council would be met by the appointment of an employee of the City Council.

**Background Documents:** None