



Report of City Solicitor

Date: 15/08/19

Subject: Nomination of one additional Deputy Monitoring Officer

Are specific electoral wards affected? If yes, name(s) of ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has consultation been carried out?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will the decision be open for call-in?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary

1. Main issues

- This report provides background and context to a decision to nominate an additional Deputy Monitoring Officer.

2. Best Council Plan Implications

- An additional Deputy Monitoring Officer will help the Council to deliver its objective of being an Efficient, Enterprising and Healthy organisation by ensuring there is capacity to ensure a consistently high level of not only to Leeds City Council, but Parish and Town Councils, across the city.

3. Resource Implications

- There are no cost implications and no additional remuneration will be paid as a result of this decision.

Recommendations

- a) That the City Solicitor nominate an additional Deputy Monitoring Officer (DMO).

1. Purpose of this report

- 1.1 This report provides background and context to a decision of the City Solicitor to nominate an additional Deputy Monitoring Officer.

2. Background information

- 2.1 The Monitoring Officer, and any nominated Deputy Monitoring Officers, are responsible for ensuring elected members of Leeds City Council, and any elected members of Town and Parish Councils within the Leeds City Council area, comply with the requirements of the declaration and register of interests and that elected members follow Members' Code of Conduct, which ensure that they follow the principles of:

- Selflessness
- Honesty and integrity
- Objectivity
- Accountability
- Openness
- Leadership.

3. Main issues

- 3.1 The workload in relation to Monitoring Officer work remains significant given the role covers not only Leeds City Council, but also all the Parish and Town Councils within the Leeds City Council local authority area.
- 3.2 The recent changes to the senior management arrangements of Democratic Services and the nomination of a single Head of Democratic Services has reduced the capacity available to that individual to undertake solely the role of Deputy Monitoring Officer (DMO).
- 3.3 It has therefore become necessary to nominate one additional individual to the role of DMO to increase capacity in order to ensure a consistently high level of service and to increase the resilience of the function.
- 3.4 There are no cost implications and no additional remuneration will be paid as a result of this decision. The role of the DMOs shall be carried out by Heads of Service within Legal and Democratic Services. The current grade of those posts are Dir 60%.
- 3.5 The legal position requires that where two DMOs have been nominated, members and senior officers should have clarity about with whom they should consult in the absence of the Monitoring Officer (MO). There are therefore two options:
- first, designate each DMO responsible in the absence of the MO for different specific functions; or
 - second, maintain as much flexibility as possible and simply nominate a 'lead DMO' on a rotating basis which can be altered to accommodate leave or other absence. (That would not mean that the DMO who is not the 'lead' on a particular day is not a DMO and/or is not undertaking DMO work. It is expected that the DMOs will operate

seamlessly with the MO so that the identity of a 'lead DMO' on any particular day should have little if any consequence in practice).

3.6 Having consulted with the relevant Heads of Service and in order to maximise flexibility and resilience, it is proposed to implement the second option.

4. Corporate considerations

4.1 Consultation and engagement

4.1.1 Prior to taking this decision, the following people were consulted and all were supportive of the proposal to nominate one additional DMO:

- Cllr James Lewis, Deputy Leader and Executive Member for Resources
- Cllr Elizabeth Nash, Chair of Standards and Conduct Committee
- Gordon Tollefson, Independent Person
- Tom Riordan, Chief Executive
- Neil Evans, Director of Resources and Housing.

4.2 Equality and diversity / cohesion and integration

4.2.1 There are no implications for equality and diversity as a result of this decision.

4.3 Council policies and the Best Council Plan

4.3.1 An additional Deputy Monitoring Officer will help the Council to deliver its objective of being an Efficient, Enterprising and Healthy organisation by ensuring there is capacity to ensure a consistently high level of not only to Leeds City Council, but Parish and Town Councils, across the city

Climate Emergency

4.3.2 There are no climate implications as a result of this decision.

4.4 Resources, procurement and value for money

4.4.1 There are no cost implications associated with this decision.

4.5 Legal implications, access to information, and call-in

4.5.1 This is a Significant Operational Decision and is not eligible for call in.

4.6 Risk management

4.6.1 If this decision isn't taken and a Deputy Monitoring Officer isn't appointed, there is the risk that there will not be sufficient support and guidance in place for elected members in Leeds City Council, and the area's Town and Parish Councils.

5. Conclusions

- 5.1 To ensure there are robust support and guidance arrangements in place for elected members a new Deputy Monitoring Officer needs to be nominated.
- 5.2 For the reasons set out above, it is proposed that the Monitoring Officer nominate one additional DMO and that this change is implemented by way of an amendment to the sub-delegation scheme of the City Solicitor and Monitoring Officer, to add Nicole Walker, Head of Service (Legal) as DMO, in addition to the Head of Democratic Services.

6. Recommendations

- 6.1 That the City Solicitor nominate an additional Deputy Monitoring Officer (DMO).

7. Background documents¹

- 7.1 None.

¹ The background documents listed in this section are available to download from the council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.