

ASSEMBLY

22 February 2012

Title: Appointment of Monitoring Officer	
Report of: The Chief Executive	
Open	For Decision
Wards Affected: None	Key Decision: No
Report Author: Stella Manzie, Chief Executive	Contact Details: Tel: 020 8227 2137 E-mail: stella.manzie@lbbd.gov.uk
Accountable Divisional Director: Tasnim Shawkat, Divisional Director Legal and Democratic Services	
Accountable Director: Stella Manzie Chief Executive	
Summary: <p>A report was presented to Cabinet on 17 January 2012 setting out proposals to extend the current arrangements with Thurrock Council to share the post of Divisional Director of Legal and Democratic Services and Monitoring Officer, which is currently occupied by Tasnim Shawkat. The report also provided details of the proposal to further enhance the joint working between the two authorities' legal teams.</p> <p>These proposals were agreed by the Cabinet. However, the appointment of the Monitoring Officer is an Assembly function. Therefore the Assembly is asked to consider this report.</p>	
Recommendation(s) <p>The Assembly is recommended to agree the appointment of Tasnim Shawkat, as the Monitoring Officer.</p>	
Reason(s) <p>The Assembly must appoint an officer of the Council as the Monitoring Officer to discharge the statutory role.</p>	

1. Introduction and Background

- 1.1 On 25 January 2011 the Cabinet agreed a pilot, under which Barking and Dagenham would second from Thurrock, for the period 1 April 2011 to 31 March 2012, their Head of Legal and Democratic Services to jointly fulfil the role as head of service and Monitoring Officer for both authorities on a shared basis.

- 1.2 On 17 January 2012 a report was presented to Cabinet on setting out proposals to extend the current arrangements with Thurrock Council to share the post of Divisional Director of Legal and Democratic Services and Monitoring Officer, which is currently occupied by Tasnim Shawkat. The report also provided details of the proposal to further enhance the joint working between the two authorities' legal teams.
- 1.3 At that meeting the Cabinet agreed:-
- (i) A 12 month extension of the secondment agreement between LBBD and Thurrock regarding the sharing of the Divisional Director of Legal and Democratic Services and Monitoring Officer;
 - (ii) That the current shared arrangements are progressed to phase two, as set out in the report, which would involve joined up legal teams between LBBD and Thurrock; and
 - (iii) That the Assembly be recommended to confirm the extension of the appointment of Tasnim Shawkat, Divisional Director Legal and Democratic Services, as this Council's Monitoring Officer.
- 1.4 Members are referred to the report to Cabinet, which forms the background to this report.

2. Proposal and Issues

- 2.1 The Cabinet recognised the success of the shared arrangements which have operated since 1 April 2011 and have welcomed the proposals for greater integration between the two services under the second of a three phase approach to a shared service.
- 2.2 The report to Cabinet outlines details of the phased approach to the joint working between Thurrock and this council's legal services. A further report on the option of moving to a fully merged, shared service (phase three) will be submitted to the PAASC and Cabinet in early 2013.
- 2.3 The appointment of Monitoring Officer is an Assembly function. Therefore the Assembly is asked to appoint Tasnim Shawkat as the Council's Monitoring Officer. This will enable the sharing of this post to continue.

3. Options Appraisal

- 3.1 Please refer to the report to Cabinet dated 17 January 2012.

4. Consultation

- 4.1 Please refer to the report to Cabinet dated 17 January 2012.

5. Financial Implications

Implications completed by: David Abbott, Principal Accountant
Telephone and email: 020 8227 2261 – david.abbott@lbbd.gov.uk

- 5.1 The continued sharing of the Divisional Director of Legal and Democratic Services and Monitoring Officer role will generate savings to the Legal Services budget of a proportion of the salary costs of a Divisional Director. The combined savings will be in the region of £100k per annum across the two authorities (£55k for LBBB and £45k for Thurrock) inclusive of costs. Further detailed financial implications of the sharing arrangements and further joint working are set out in the Cabinet report which forms the background to this report.

6. Legal Implications

Implications completed by: Fiona Taylor, Group Manager Legal Services and Deputy Monitoring Officer

Local Authorities have the power to provide legal services by virtue of s111 of the Local Government Act 1972. Both authorities must, by virtue of s5 of the Local Government and Housing Act 1989, appoint a Monitoring Officer. Each authority, have power under the 1972 Act to arrange for the discharge of their functions by another authority.

One of the recommendations here is to agree a 12 months extension of the arrangements under which Thurrock Council's Head of Legal Services would jointly fulfil the role of Divisional Director Legal and Democratic Services and Monitoring Officer for both authorities on a shared basis. Legally this can be achieved by virtue of section 113 (2) Local Government Act 1972, which has the straight forward effect of deeming the appointment /secondment of an officer from another authority as an officer of the authority being appointed and thereby satisfy the requirement under section 5 Local Government and Housing Act 1989 that an authority appoint "one of its staff" to be Monitoring Officer.

The arrangement does not involve any formal merger of services but would allow any opportunities for sharing of services to be explored and would involve an immediate saving to both authorities by sharing this resource.

General power of competence under Localism Act 2011 allows a local authority to do anything that individuals may do unless there are restrictions applied by other Statute. This power can be used by a local authority to provide back office functions to other bodies. This provision came into force on April 2012.

7. Other Implications

Please refer to the report to Cabinet dated 17 January 2012.

Background Papers Used in the Preparation of the Report:

- Report to the Cabinet on 17 January 2012

List of appendices:

None