

**To the Chair and Members of the  
COUNCIL**

**APPOINTMENT OF A MONITORING OFFICER TO THE COUNCIL**

**PURPOSE**

1. The purpose of this report is to seek the approval of Council to appoint Scott Robert Fawcus as the Council's Monitoring Officer with effect from the 1st March, 2016.

**RECOMMENDATION**

2. It is recommended that Scott Robert Fawcus be appointed as the Council's Monitoring Officer with effect from the 1st March, 2016.

**WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?**

3. The impact of the postholder on the citizens of Doncaster is to ensure that the Council meets its statutory responsibilities in respect of legal and democratic services and acts as the Council's Monitoring Officer.

**BACKGROUND**

4. Roger Harvey became the Council's Monitoring Officer upon his appointment as Assistant Director, Legal and Democratic Services in 2010 and will be leaving the Authority with effect from the 29th February, 2016.
5. The recruitment to the position of Assistant Director Legal and Democratic Services which also encompasses the Monitoring Officer role was undertaken by the Chief Officers Appointments Committee on Wednesday, 13th January, 2016. As a result of this meeting, Scott Fawcus was appointed to the post which will take effect from the 1st March, 2016. Scott has been employed by the Council since 2002 and is currently the Deputy Monitoring Officer and Head of Service Contracts, Property and Governance. He is a Solicitor with a current practising certificate.

## **THE ROLE OF THE MONITORING OFFICER**

6. Under Section 5 of the Local Government and Housing Act, 1989 (as amended) the Council has a duty to appoint a Monitoring Officer. The Monitoring Officer is responsible for overseeing lawfulness issues. In particular, reporting to the Local Authority any proposal, decision or omission which he/she thinks would give rise to unlawfulness or if any decision has given rise to maladministration. The Monitoring Officer is also responsible for the formal reporting of any finding of maladministration by the Local Government Ombudsman. The duties of the Monitoring Officer are set out in Part 2 of the Council's Constitution.
7. The Monitoring Officer therefore performs a key function ensuring lawfulness and fairness in the operation of the Council's decision making process including, investigating and reporting on issues that embrace all aspects of the Council's functions.
8. With the introduction of the ethical framework under Part III of the Local Government Act 2000, there were significant changes to the role of the Monitoring Officer. The Monitoring Officer has a key role in promoting and maintaining high standards of conduct within the Local Authority. The Monitoring Officer cannot be Head of the Paid Service (the Chief Executive) or the Chief Finance Officer.
9. Under Executive arrangements, the Monitoring Officer has a key role in providing advice on lawfulness issues, maladministration, financial impropriety, probity and policy framework and budget issues, to all Members of the Local Authority.

## **OPTIONS CONSIDERED AND REASONS FOR RECOMMENDED OPTION**

10. It is a statutory requirement to have a Monitoring Officer which is fulfilled by this post. It is a key post within the current approved chief officer senior management structure and recruitment has been carried out in accordance with the Council's established and approved chief officer recruitment practices.

## **IMPACT ON THE COUNCILS KEY OUTCOMES**

- 11.

	<b>Outcomes</b>	<b>Implications</b>
	<p>-All people in Doncaster benefit from a thriving and resilient economy.</p> <ul style="list-style-type: none"> <li>• <i>Mayoral Priority: Creating Jobs and Housing</i></li> <li>• <i>Mayoral Priority: Be a strong voice for our veterans</i></li> <li>• <i>Mayoral Priority: Protecting Doncaster's vital services</i></li> </ul>	<p>This is a key role within the Council's Management Structure and the successful candidate will be expected to make a significant contribution to the delivery of these priorities</p>
	<p>People live safe, healthy, active and independent lives.</p> <ul style="list-style-type: none"> <li>• <i>Mayoral Priority: Safeguarding our Communities</i></li> <li>• <i>Mayoral Priority: Bringing down the cost of living</i></li> </ul>	
	<p>People in Doncaster benefit from a high quality built and natural environment.</p> <ul style="list-style-type: none"> <li>• <i>Mayoral Priority: Creating Jobs and Housing</i></li> <li>• <i>Mayoral Priority: Safeguarding our Communities</i></li> <li>• <i>Mayoral Priority: Bringing down the cost of living</i></li> </ul>	
	<p>All families thrive.</p> <ul style="list-style-type: none"> <li>• <i>Mayoral Priority: Protecting Doncaster's vital services</i></li> </ul>	
	<p>Council services are modern and value for money.</p>	
	<p>Working with our partners we will provide strong leadership and governance.</p>	

## **RISKS AND ASSUMPTIONS**

12. The proposals outlined in the report are consistent with the requirements set out in the Local Government and Housing Act, 1989 (as amended). This statutory post must be filled to ensure the Council meets its statutory responsibilities as well as ensuring stability and effective leadership.

### **LEGAL IMPLICATIONS**

13. The proposals set out in this report meet the requirements of Section 5 of the Local Government and Housing Act, 1989 (as amended) to appoint an Officer to undertake the functions referred to at paragraphs 6 to 9 respectively.

### **FINANCIAL IMPLICATIONS**

14. There are no specific financial implications arising from this report.

### **HUMAN RESOURCES IMPLICATIONS**

15. There are no specific human resources implications associated with this report.

### **TECHNOLOGY IMPLICATIONS**

16. There are no specific technology implications associated with this report.

### **EQUALITY IMPLICATIONS**

17. There are no specific equality implications arising from this report.

### **CONSULTATION**

18. Not applicable.

### **BACKGROUND PAPERS**

None

### **REPORT AUTHORS & CONTRIBUTORS**

David M. Taylor, Senior Governance Officer  
Tel: 01302 736712 - Email: david.taylor@doncaster.gov.uk

**Jo Miller**  
**Chief Executive**