

Appointment of Clerk and Monitoring Officer and Deputy Monitoring Officer

Report of the Chief Fire Officer

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1 Purpose of Report

Jonathan Eatough, Shropshire and Wrekin Fire Authority Monitoring Officer has resigned from his role at Telford & Wrekin Council (T&WC).

T&WC has provided this part-time function to Shropshire and Wrekin Fire and Rescue Authority (SWFRA) under a Service Level Agreement since 2008. This report explores the limited opportunities for a replacement Clerk and Monitoring Officer

2 Recommendations

The Authority are asked to:

- a) Consider a continuance of the provision of a Monitoring Officer from T&WC
- b) Appoint Anthea Lowe as Monitoring Officer and Clerk to the Fire Authority
- c) Request that in her capacity as Monitoring Officer and Clerk to the Fire Authority Anthea Lowe appoint a suitable candidate as Deputy Monitoring Officer to act in her absence.

3 Background

The statutory role of the Monitoring Officer was introduced under the Local Government and Housing Act 1989 to ensure that local authorities operate within the law and within any codes of practice, and that maladministration or injustice does not occur.

In 1997 the Home Office suggested that combined fire authorities should give careful consideration to the appointment of a Clerk to the Authority and that this could be combined with the role of the Monitoring Officer. The Clerk is responsible for calling all meetings of the Authority and ensuring that proper arrangements for meetings are in place.

The Local Government Act 2000 substantially enhanced the role of the Monitoring Officer, giving it key responsibilities in supporting Standards Committees. The duties of the Monitoring Officer are performed personally or, where the Monitoring Officer is unable to act personally as a result of absence or illness, by such member of staff, who has been nominated as Deputy.

4 The Current Position

Jonathan Eatough was appointed as Clerk and Monitoring Officer to the Fire Authority on 17 December 2008.

As Jonathan Eatough is now leaving Telford & Wrekin Council, it is necessary for a permanent Clerk and Monitoring Officer to be appointed. Currently Anthea Lowe is acting as the Monitoring Officer for SWFRA in her role as Deputy Clerk and Monitoring Officer

The provision of the Monitoring Officer from T&WC is through a Service Level Agreement (SLA) which outlines the terms and conditions of the role. This has been a rolling arrangement since the appointment of Jonathon Eatough in 2008.

The roles of Monitoring Officer and 151 Officer were originally shared between the two constituent Authorities when the Shropshire and Wrekin Combined Fire Authority was created, with Shropshire Council providing the 151 Officer and Telford & Wrekin Authority providing the Monitoring Officer. This seemed a fair method of sharing these positions of responsibility democratically across the two Authorities.

The Authority have some options on how they may wish to replace the Monitoring Officer which are as follows;

- 1 Approach Shropshire Council to provide a Monitoring Officer.**

This option would be a step away from the original agreement to share responsibilities across both Authorities. It would require some debate and agreement of both Authorities and could possibly create a conflict of interests if both the Monitoring Officer and 151 Officer were provided by a single Authority. It would also require a contract and agreement to be drawn up with Shropshire Council, with no prior determinations, resulting in some sort of negotiation or procurement exercise required.

2 Consider opportunities within the Fire Alliance with Hereford and Worcester Fire and Rescue Authority (HWFRA).

HWFRA currently employ a full-time Clerk and Monitoring Officer. Could this single role be shared across both Authorities?

Whilst some sort of shared function may offer synergies within the Alliance, the challenges of such an arrangement are more Service specific. There is an immediate challenge as to costs. If this were a 50-50 arrangement, the role would be split across both Authorities. This will immediately be a detriment to HWFRA as clearly the role is currently fully engaged in HWFRS business. There is also the geographical challenge of travel and accessibility. There would be an expectation that the individual would represent (the MO role is legal obliged to attend all Authority meetings) at the relevant meetings in both Services and this would require both travel and time commitments beyond the current provision.

Equally there is a potential for a conflict of interest. Whilst in the hiatus of the Police and Crime Commissioner Business Case, there is a need for independent and unbiased advice for both Authorities and a level of legal separation to ensure transparency and prevent any conflicts of interest between all three parties.

3 Continue to use T&WC and refresh the current SLA.

This would ensure continuity of advice and scrutiny, particularly when the Authority are still pursuing a Judicial Review and have ongoing legal processes which are supported by the T&WC legal team through the Monitoring Officer. The current provision of other legal services is through the T&WC Legal team and are often combined or supplemented with advice from the Monitoring Officer. This allows seamless operation of legal advice and consistency of legal provision to the Authority.

This continuance would also satisfy the “sharing” of responsibilities across both constituent Authorities. This option has proven effective and provided excellent Value for Money, with the rolling SLA still in place from 2008 at the same agreed costings. It is likely this SLA would need to be refreshed and the costings reviewed, but still allow an appropriate financial agreement to be reached to the satisfaction of both parties.

5 Recommendations

For the reasons outlined above, The Authority are recommended to approach Telford & Wrekin Council to continue to provide a Clerk and Monitoring Officer to the Fire Authority under the terms of the present SLA.

Anthea Lowe is the successor to Jonathan Eatough as Monitoring Officer at Telford & Wrekin Council, and it is recommended that she similarly be appointed as Monitoring Officer and Clerk by the Fire Authority.

6 Financial Implications

There may be some financial implications arising from this report. The Fire Authority has service level agreements in place with Telford & Wrekin Council for the provision of clerking and monitoring officer services dating back to 2009, which will need to be reviewed.

7 Legal Comment

Under the Local Government and Housing Act 1989 the Fire Authority is required to designate an officer as its Monitoring Officer. The Deputy Monitoring Officer is an appointment made by the Monitoring Officer.

8 Equality Impact Assessment

An Initial Equality Impact Assessment was completed for the report regarding the interim arrangements, which was submitted to the Fire Authority on 30 April 2008. As the only change is that of the name of the proposed Clerk and Monitoring Officer, an Equality Impact Assessment has not been completed for this report.

9 Appendices

There are no appendices attached to this report.

10 Background Papers

30 April 2008, Report 10 – Appointment of Clerk and Monitoring Officer and Deputy Clerk and Monitoring Officer and Minutes

Her Majesty's Government

The Local Government and Housing Act 1989

The Local Government Act 2000