

MONITORING OFFICER

To: **Constitution and Ethics Committee**

Meeting Date: **27th September 2018**

From: **Chief Executive**

Purpose: **To consider proposed changes to the Constitution following the proposal to appoint a shared post of Director of Governance and Legal Services for Cambridgeshire and Peterborough.**

Recommendation: **The Constitution and Ethics Committee is asked to consider amendments to the Constitution, and recommend any changes to full Council, if appropriate.**

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1. Background

- 1.1 At Cambridgeshire, the role of Director Legal and Democratic Services, and Monitoring Officer function has been provided by the Executive Director of LGSS Law until recently. The role became part of LGSS in 2010, and subsequently in 2015 LGSS Law Ltd was formed.
- 1.2 The postholder left LGSS Law Ltd earlier this year and since then the management of Democratic Services has been retained within LGSS, and an interim Executive Director appointed at LGSS Law Ltd.
- 1.3 The current Constitution lays down that the Council has designated the post of LGSS: Director of Law and Governance to be Monitoring Officer and Solicitor to the Council (Article 11, Officers (see highlighted section in **Appendix 1**)); the Monitoring Officer function is included in the LGSS Joint Committee Scheme of Delegation (Part 3D) (see highlighted section **Appendix 2**).
- 1.4 Only Full Council can confirm the appointment of the Monitoring Officer (Part 3A, Allocation of Responsibility for Functions). (see highlighted section **Appendix 3**)

2. Staffing and Appeals Committee

- 2.1 At its meeting on 4 September 2018, the Staffing and Appeals Committee considered a report setting out a proposal to establish a shared post of Director of Governance and Legal Services for Cambridgeshire and Peterborough, and subject to agreement, to agree the recruitment process to be followed.
- 2.2 Following the agreement between Peterborough City Council and Cambridgeshire County Council (CCC) to share several senior roles across the senior and corporate leadership teams, these vacancies now offer an opportunity to consider a further shared post, and saving, to both authorities.
- 2.3 Sharing management of services is not an end in itself, but one of a number of means by which Councils can achieve their strategic ambitions.
- 2.4 The principles that have underlined all sharing considerations to date are as follows:
 - Removing duplication of effort;
 - Bringing together arrangements which are similar between both Councils to create added value;
 - Exploiting expenditure that exists in both organisations;
 - Creating a positive impact on key partners such as Health, Probation and Police by dealing with joint agendas of Cambridgeshire and Peterborough in single, rather than duplicate meetings;
 - Creating career development opportunities for officers working across both;
 - Utilising the expertise that already exists in both councils to best effect.
- 2.5 It is now proposed to create a further shared role across Cambridgeshire and Peterborough, specifically the Director of Legal and Governance, who will be the Monitoring Officer for both councils.

- 2.6 The role of Monitoring Officer is a statutory appointment under the provisions of Section 5 of the Local Government and Housing Act 1989, which means that any appointment must be confirmed by Full Council.
- 2.7 At its meeting, the Committee confirmed that a new shared Director of Governance and Legal Services post be advertised externally and internally, and agreed the appointments process to be followed.

3. Proposed changes to the Constitution

- 3.1 The proposal to establish a shared post of Director of Governance and Legal Services for Cambridgeshire and Peterborough will require changes to the Council's Constitution.
- 3.2 **Appendix 4** details the proposed changes to Part 3D – Responsibility For Functions – Scheme of Delegation to Officers (see changes highlighted in bold). There is also a need to amend **Appendix 1** – Part 2 – Articles 11 to reflect the proposed change (see changes in bold and strikethrough) and **Appendix 2** - Part 3D – Responsibility For Functions – Scheme of Delegation to Officers (see changes highlighted in bold and strikethrough).

Source Documents	Location
Council's Constitution	http://tinyurl.com/Constitution-CCC
Staffing and Appeals Committee – 4 September 2018	Staffing and Appeals Committee meeting 04/09/2018