

**REPORT OF THE STAFFING AND APPEALS COMMITTEE –
APPOINTMENT OF A MONITORING OFFICER**

- To:** Full Council
- Date:** 16th October 2018
- From:** Chairman of the Staffing and Appeals Committee
- Purpose:** To seek approval for the Council to appoint a new Monitoring Officer.
- Recommendation:** It is recommended that Full Council, subject to Peterborough City Council's agreement on 17th October:
- a) Note the decision by the Staffing and Appeals Committee on 4th September 2018 to appoint a shared Monitoring Officer by way of secondment arrangement with Peterborough City Council.
 - b) Formally appoint Fiona McMillan to the shared Monitoring Officer role.

<i>Officer contact:</i>	<i>Member contact</i>
Name: Martin Cox	Name: Cllr J Schumann
Post: HR Director, LGSS	Portfolio: Chairman of Staffing and Appeals Committee
Email: mcox@northamptonshire.gov.uk	Email: Joshua.Schumann@cambridgeshire.gov.uk
Tel: 07921 092743	Tel: 01223 699173

1. INTRODUCTION

- 1.1 This report follows discussion between the Leaders and senior officers of Cambridgeshire County Council and Peterborough City Council to explore the possibility of a shared Director of Legal and Governance, and Monitoring Officer, as this post has been vacant since May 2018.
- 1.2 The report is presented for the Council to consider under its constitutional responsibilities for the appointment of the Monitoring Officer.
- 1.3 In accordance with the Local Authorities (Standing Orders) (England) Regulations 2001, matters relating to the appointment of a Monitoring Officer are reserved to the Full Council.
- 1.4 Given that the role carries the statutory responsibilities of Monitoring Officer, in accordance with the Local Government Act, the appointment requires the approval of the full County Council following a recommendation from Staffing and Appeals Committee.
- 1.5 This appointment will be to a Cambridgeshire County Council contract of employment, with the postholder seconded to Peterborough City Council to fulfil the duties there.

2.0 BACKGROUND

- 2.1 On 4th September 2018 the Staffing and Appeals Committee met to consider proposals to share a Director of Legal and Governance and shared Monitoring Officer role, and agreed the recommendation to proceed with this approach.
- 2.2 Peterborough City Council's Employment Committee met on 19th September to consider the proposal and agreed this recommendation, which enabled a joint role to be advertised in September.
- 2.3 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 May this year. The role became part of LGSS in 2010, and subsequently in 2015 LGSS Law Ltd was formed.
- 2.4 The postholder left LGSS Law Ltd and the CCC Monitoring Officer role earlier this year, leaving this role vacant.
- 2.5 At Peterborough, until 30 June 2017, the substantive postholder of the Director of Legal & Governance also held the delegated statutory Monitoring Officer role. From the 1st July, she was seconded to the Combined Authority to take on their Monitoring Officer post full-time, and this has now become a permanent arrangement. This has therefore left a full time, permanent vacant position within Peterborough City Council (PCC).
- 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 The key areas of accountability that the post will hold are:

- Providing advice to Cabinet, Committees and Full Council and supporting meetings (CCC and PCC).
- Legal Services for Peterborough and Cambridgeshire Councils – commissioning legal and democratic services for Cambridgeshire from LGSS Law Ltd.
- Democratic and Constitutional Services (PCC).
- Scrutiny services (PCC).
- Members Services (PCC)
- Civic Office and Mayoral Support (PCC).
- School admission appeals, exclusion and transport appeals (CCC and PCC).
- Data Protection and Freedom of Information provision (PCC).

3.0 INTERVIEW AND APPOINTMENT

3.1 The role was advertised internally and externally on 11th September and two strong candidates were interviewed.

3.2 A joint interview process took place on 11th October with the Staffing and Appeals Committee, along with Peterborough's Employment Committee.

3.3 Fiona McMillan was appointed. Both committees agreed to proceed with recommending her appointment to Council.

3.4 Fiona has a wealth of experience to bring to this role:

- An experienced Head of Legal and Monitoring Officer with over 20 years' experience of working in local government.
- Fiona's substantive role is Head of District Law at LGSS Law Ltd which she was appointed to in February 2016.
- Since December 2017 she has been acting as Director of Law and Governance at Peterborough City Council (PCC) and since April 2018 she has been acting Monitoring Officer at Cambridgeshire County Council (CCC).
- Significant experience in providing corporate legal and governance advice, advising Full Council, Cabinet, Audit Committee and Constitution & Ethics Committee
- Strategic management at executive board level including 6 years on South Cambridgeshire District Council's (SCDC) Executive Management Team, 2 years on LGSS Law's management team, and ten months on Peterborough City Council's Corporate Management Team.

4.0 POLITICAL SOVEREIGNTY

4.1 At the heart of this arrangement is the maintenance and respect of political sovereignty for each Council ensuring that each Council can deliver its own political priorities, strategy and policies. The shared arrangement supports the sovereignty of each Council and at the same time enables the benefits of the arrangement to be realised across both Councils.

5.0 GOVERNANCE AND TIMESCALES

5.1 The role was advertised as a Cambridgeshire post and the successful candidate will be appointed on a Cambridgeshire County Council contract of employment.

- 5.2 A formal secondment agreement has been drafted for both Councils to ensure that the interests of all parties are protected.

6.0 IMPLICATIONS

- 6.1 Financial – The role has been graded using the CCC grading system. There will be a financial saving of approximately £12,500 per annum realised from this arrangement, along with significant efficiencies and benefits from the joint arrangement. Given that the postholder will be dedicated specifically to this role across both Councils rather than providing wider services as the predecessor did, there will be increased capacity for CCC and access to the postholder for officers and Member alike. It is anticipated that this will lead to an improvement in service and support as well as providing a senior legal advisor who will oversee the commissioning and quality of legal services provided to the Council.
- 6.2 Human Resources – if the arrangement is agreed a secondment agreement has been drawn up and framed in such a way which protects the interest of all parties.
- 6.3 Legal - Under section 113 of the Local Government Act 1972 a local authority is permitted to enter into an agreement with another local authority to place its officers at the disposal of the latter for the purposes of their functions. This is the section which governs these shared service proposals.

7.0 APPENDICES

- 7.1 **Appendix A** - Job Description of the role of Director of Legal and Governance and Monitoring Officer.

Source Documents	Location
Reports and Minutes to the Staffing and Appeals Committee – 4 September and 11 October 2018	https://cmis.cambridgeshire.gov.uk/ccclive/Committees/tabid/62/ctl/ViewCMISCommitteeDetails/mid/381/id/19/Default.aspx

Cambridgeshire County Council

Job Description

Director of Legal and Governance & Monitoring Officer

Overall purpose of the job

Working with the Chief Executive and senior leadership team, the role will:-

- Lead a high quality team delivering a broad range of governance to the Councils, including legal services, governance, advice and support to the Council's members.
- Provide direct management of the Legal Service at PCC and responsible for commissioning legal services for CCC from LGSS Law Ltd.
- Act as the Monitoring Officer for both Peterborough City Council and Cambridgeshire County Council.
- Be a fully participating member of the council's respective senior management teams (CMT Peterborough & SMT Cambridgeshire) driving strategy and performance and identifying, and championing the delivery of the council's vision and strategy with lead politicians, partners, community representatives, SMT/CMT colleagues, and all employees.
- Ensure that the Council's statutory requirements and democratic processes are delivered efficiently and effectively, and both Council's activities are conducted in a lawful and transparent manner.

Job Context

- The services all play a central role in contributing to the good governance of the Council. The post holder has responsibility as the Monitoring Officer for ensuring that neither Peterborough City Council, Cambridgeshire County Council, nor its members or its officers operate in a way that is, or could be, illegal, or amount to maladministration.
- The post holder will need to operate in a political environment across two different organisations with four different political groups – being aware of and taking into account political considerations when giving advice, yet remaining politically neutral at all times.

Main accountabilities

1.	<ul style="list-style-type: none"> ● To fulfil all the statutory Monitoring Officer duties and responsibilities for both authorities particularly: <ul style="list-style-type: none"> ○ Maintain an up-to-date version of the Constitution and make sure it is widely available to Members, officers and the public; ○ Report to the Council (or the Executive in relation to an Executive function) if any proposal, decision or failure could give rise to unlawfulness or maladministration; ○ Promote and maintain high standards of conduct by providing support to the Audit Committee including reports and recommendations; ○ Make sure the Executive's decisions (together with the reasons for those decisions) reports, and background papers are made available to the public as soon as possible; ○ Confirm whether or not the Executive's decisions are in keeping with the Budget and Policy Framework; ○ Give Members advice on both authorities to take decisions and on maladministration, financial irregularities, guiding principles, and the Budget and major Policy Framework; ● To ensure the provision of high quality advice (legal & governance) to officers and members to enable them to achieve corporate priorities, and in particular support to Cabinet members and SMT/CMT colleagues in this context. ● To be both Council's lead legal adviser and ensure provision of timely and pragmatic legal advice which is solutions driven, and incorporates a thorough understanding and assessment of risk – particularly on a range of high profile, high risk, "cutting edge" projects. ● To personally advise Council and Cabinet meetings and other meetings as required. ● To organise, support and record Council, Cabinet and Committee meetings, and provide a range of support to councillors and to the Civic Office, to enable them to fulfil their duties and responsibilities, and contribute positively to both Councils and city's image and reputation. ● To ensure that all areas of the service meet the customers' needs and deliver services to the highest standards (where appropriate as assessed by external regulators, e.g. Lexcel accreditation) ● To manage the performance of the teams and secure continuous improvement and efficiencies within diminishing resources and changing demands. ● To translate both Council's strategic priorities into appropriate service plans for the department and oversee the execution, review and improvement of these plans. ● To undertake any other duties and responsibilities (including taking a lead responsibility for particular issues and projects) as may be required by the Chief Executive.
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2.	<p>Leadership</p> <ul style="list-style-type: none"> • Lead a joint Departmental Management Team, supporting it to effectively manage the resources of the team (within budget) and ensure delivery of corporate priorities and client requirements. • Lead a diverse, multidisciplinary workforce, driving customer focused service delivery, embedding a culture of change, continuous improvement, and common professional standards. • Actively encourage innovation and creativity across the services managed, pushing boundaries to improve efficiency, provide value for money and achieve new ways of working. •
3.	<p>Performance and Risk Management</p> <ul style="list-style-type: none"> • Develop and deliver high levels of performance across the services managed and monitor performance of commissioned services to achieve both Council's strategic priorities in terms of partnership working and collaboration. , • Improve the quality of engagement with local communities and businesses, significantly increasing both Council's visibility as a strong strategic leader and catalyst for investment. • Evaluate, review and report performance to members, stakeholders and auditors (internal and external). • Ensure full compliance with the relevant legal, financial and procurement requirements and frameworks across the Council.
4.	<p>Financial Management</p> <ul style="list-style-type: none"> • To continually review and reshape service delivery to achieve financial efficiencies and maximise opportunities for income generation, whilst maintaining the highest standards of service delivery.
5.	<p>Areas of Responsibility</p> <p><u>For Cambridgeshire & Peterborough</u></p> <ul style="list-style-type: none"> • Provide advice to Cabinet, Committees and Full Council and supporting meetings. • Strategic/Corporate Management Team member, actively contributing to the strategic development of both Councils as a whole. • Lead internal legal adviser on a number of high profile, high risk projects. <p><u>For Cambridgeshire:</u></p> <ul style="list-style-type: none"> • Commissioning of legal services for Cambridgeshire from LGSS Law Ltd. <p><u>For Peterborough</u></p> <ul style="list-style-type: none"> • Legal Services • Democratic and Constitutional Services. • Scrutiny services. • Electoral Services.

- Members Services for
- Civic Office and Mayoral Support.
- School admission appeals, exclusion and transport appeals, Local Land Charges.
- Data Protection and Freedom of Information provision.

Statutory Responsibility

As Monitoring Officer, the post holder holds personal responsibility and does not report to anyone in this capacity, although is accountable to Full Council (the role being a statutory role under s5 of the Local Government & Housing Act 1989, and one of the three posts every council is legally required to appoint).

Political Restriction

- This post is politically restricted under the Local Government and Housing Act 1989, as amended by the Local Democracy, Economic Development and Construction Act 2009 and the post holder may not have any active political role either in or outside work.