

Report to	Executive Panel
Date	16/07/2018
Lead Officer	Simon Smith, Chief Fire Officer
Contact Officer	Helen MacArthur, Assistant Chief Officer (Finance and Resources)
Subject	Appointment of Monitoring Officer/Clerk and Deputy Clerk



PURPOSE OF REPORT

1. To seek members' approval to enter into a competitive procurement process for the provision of a Monitoring Officer/Clerk and Deputy Clerk to North Wales Fire and Rescue Authority (the Authority) from 1 April 2019.

EXECUTIVE SUMMARY

2. The current contract for the provision of monitoring officer/clerk and deputy clerk to the Authority comes to an end on 31 March 2019. The Authority will therefore need to enter into a competitive procurement process for the provision of these roles from 1 April 2019.
3. Under the terms of the Authority's constitution, the full Authority will be required to approve the appointment of the monitoring officer following the recommendation of such an appointment by a committee and before an offer of an appointment is made to him/her.

RECOMMENDATIONS

4. That members note the statutory requirement for the Authority to appoint a monitoring officer and approve the commencement of a competitive procurement process for the provision of a monitoring officer/clerk and deputy clerk from 1 April 2019. Members should note that the appointment will require approval by the full Authority in accordance with its constitution.

BACKGROUND

5. The statutory role of monitoring officer was established by the Local Government and Housing Act 1989 as amended by Schedule 5 of the Local Government Act 2000.

6. The role of monitoring officer/clerk has three main areas of responsibility:
 - a. to ensure that the Authority carries out its functions with proper consideration of the lawfulness and fairness of decision making, supporting the standards committee and dealing with code of conduct issues;
 - b. to ensure that meetings of the Authority are administered in accordance with relevant statutes, regulations and the constitution and to deal with legal and procedural matters;
 - c. to ensure that the constitution remains up to date and relevant, and to advise on the interpretation of the constitution where necessary;
 - d. to ensure overall arrangements for governance and democratic processes including for:
 - maintaining a register of members' interests;
 - providing advice and training to members in relation to constitutional matters;
 - preparing the scheme of members' remuneration; and
 - other relevant matters as required, such as attending meetings of planning working groups and participating in the appointment process for principal officers.
7. The requirement for the Authority to have a monitoring officer is a statutory one. This function has previously been procured from Flintshire County Council for the services of its Chief Executive, Colin Everett and his Head of Legal and Democratic Services as deputy. The current term expires on 31 March 2019.

INFORMATION

8. The Authority's contract standing orders require adherence to public sector procurement principles. Guidance received from the Authority's procurement advisor confirms that it will be necessary to undertake a formal procurement process to ensure transparency, fairness and value for money. Further advice and guidance will be sought during the procurement process itself.
9. The role of monitoring officer requires specific knowledge of local authority arrangements in relation to governance, statutes, regulations and relevant codes. The procurement process allows for full consideration of these technical aspects when awarding the contract.

10. The appointment will be subject to the approval of the full Fire and Rescue Authority in accordance with the requirements of its constitution.

IMPLICATIONS

Well-being Objectives	Robust governance arrangements are a key factor in ensuring that the Authority functions in accordance with its well-being objectives.
Budget	This is a statutory role for which budget provision has been made.
Legal	The appointment of a Monitoring Officer is a statutory requirement.
Staffing	No impact identified.
Equalities/Human Rights/Welsh Language	The procurement process will give due consideration to compliance with these aspects.
Risks	Failure to appoint would result in the Authority not discharging its statutory responsibility and expose it to legal challenge and reputational risk.