



OFFICER DECISION RECORD

This form should be used to record Executive decisions taken by Officers

Decision Ref. No:			
Service Area:	Chief Executive	Date:	30th April 2020
Contact Name:	Graham Farrant	Tel No:	Tel: 01202 451130 Mob: 07917 067264
E-mail:	graham.farrant@bcpcouncil.gov.uk		
Subject:	Appointment of Interim Director Law & Governance/Monitoring Officer		
Decision taken:			
<p>To confirm the appointment of Anne Brown as Interim Director of Law & Governance and Monitoring Officer, effective 4th May 2020, for a period of up to 6 months, or otherwise until a permanent appointment can be made.</p>			
Reasons for the decision:			
<p>To ensure the Council is able to have in place an Interim Director of Law & Governance and Monitoring Officer pending permanent recruitment to the role in light of the change in role of the current post holder, to ensure the Council is compliant with the requirements to appoint an officer to the designation of Monitoring Officer and ensure capacity at senior level in the Director role.</p> <p>This decision was intended to be taken by full Council following agreement with the current postholder to a change of role. Since that decision can no longer be taken in the agreed timeframe due to the covid-19 pandemic, this decision is now taken by the Chief Executive pursuant to his urgency powers exercisable to protect the Council's interests and ensure compliance with statutory requirements.</p>			
Background:			
<ol style="list-style-type: none"> 1. Following to a decision of the current Monitoring Officer to step down from their current position as Service Director of Law & Governance, BCP Council must make and interim appointment to that post, the job description for which is set out in Appendix 1. 2. The recommended candidate has been interviewed by the CEO and Head of HR. Ms. Anne Brown is a highly experienced Director of Law with an extensive working background in local government. She has 25 years' experience as monitoring officer in unitary, county and district councils; advising members and 			

officers on complex interest issues, constitutional review and governance related matters. Significant experience in preparation for and delivery and management of shared services and integration of services in a variety of forms in a number of organisations including Cornwall (working with Isles of Scilly), London Borough of Newham and Havering Council (merger of legal departments), Basingstoke and Harts Councils review and development of shared services Lincoln (Lincolnshire Shared Legal Service), Herefordshire Council creating legal shared service with PCT and Herefordshire Hospital Trust shared services company, post set up at Mid Suffolk and Babergh Councils addressing constitution governance and management issues following staff integration. Ms. Brown also has significant experience and responsibility for managing and leading large teams of 200 plus staff including legal, democratic, audit, licensing, council wide administration, property and maintenance, policy communications, registrars emergency planning. Ms. Brown's CV is attached at Appendix 2.

3. It is proposed that Ms. Brown is employed as a contractor and will be appointed as an Officer of the Council and will be held to be personally appointed and responsible for the duties of the Council Monitoring Officer. The appointment will reference Ms. Brown as an individual and not a Company or Agency of any kind. BCP Council has taken legal advice on this arrangement and can assure that this is compliant with the appropriate local government legislation and is fully IR35 compliant, and still enables the Monitoring Officer to fulfil the statutory duties of the role. The Council must appoint an officer to undertake this role, but the officer does not need to be an employee of the council. This will change for the appointment of a permanent Monitoring Officer.
4. An appointment panel comprising of the Leader, Deputy Leader and representative of the opposition of the Council have been involved in this appointment.
5. The options are either:
 - to appoint permanently to the post of Director of Law & Governance and Monitoring Officer – this is not recommended immediately due to the time needed to recruit;
 - to appoint Ms Brown as the Director of Law & Governance and Monitoring Officer on an interim basis - this is the recommended option; or
 - to appoint another Officer of the Council - this is not recommended as there is limited capacity from within existing resource for the interim appointment.

Consultations undertaken:

The interim appointment has been made by the Chief Executive under his urgency powers following a process of selection and approval by a member panel and further consultation with the Leader of the Council and the Leader of the Opposition.

Finance and Resourcing Implications:

There are no financial implications arising from the report. The interim appointment will be fulfilled on a 3 days per week basis and will fall in line with the budget for the Service..

Name: Adam Richens
30.04.2020

Date:

Signature (of Chief Finance Officer):

Legal Implications:

Redacted

Under Section 5 of the Local Government & Housing Act 1989 (as amended), the Council has a duty to designate the role of Monitoring Officer to an officer of the authority. Neither the Head of Paid Service nor the Chief Finance Officer may be designated as the Council's Monitoring Officer.

The Monitoring Officer has several statutory duties and responsibilities relating to the Council's Constitution and our arrangements for effective governance. These duties include maintaining the Constitution, ensuring that no decision or omission of the Council is likely to give rise to illegality or maladministration and promoting high standards of conduct. A full list of the Monitoring Officer's responsibilities and delegated powers is included within the Councils' Constitution. Whilst there is no statutory requirement to do so, designation of the role to a legally qualified officer is often considered best practice in light of the nature of their duties and responsibilities.

The arrangements for appointment are detailed in paragraph 3 above following legal advice from external advisers as to the requirement.

Name: Sian Ballingall

Date: 30.04.2020

Signature (of Deputy Monitoring Officer):

Risk Assessment:

This decision will reduce risk in ensuring the post of Director of Law and Governance and Monitoring Officer is filled and provides the capacity to the organisation. Risks identified in regards to remote working have been mitigated using technology to ensure the interim candidate can fulfil all of the duties of the role in a virtual environment.

Name: Lucy Eldred

Date: 30.04.2020

Signature (of Officer Completing Assessment):

Impact Assessments:

There are no environmental, public health or specific equalities implications arising from this report. There are no public health implications arising from this report.

Information for publication / not for publication

For publication

Background Papers

None

Any declaration of interest by the Officer responsible for the decision

Nature of Interest

No*

Note: No Officer having an personal financial interest in any matter should take a decision on that matter. Other interests of a non-disqualifying matter should be recorded here.

Any conflict of interest declared by a Cabinet Member who is consulted by the Officer taking the decision

Name of Cabinet Member

Nature of interest

Details of any dispensation granted by the Monitoring Officer

No*

Decision taken by: (print name and designation)

Graham Farrant - Chief Executive

Signature: **Redacted**

Date of Decision: 30/04/20

Date Decision Effective: 30/04/20

Date of Publication of record of decision: (to be inserted by Democratic Services)

Appendix 1

Job Description

Director – Law and Governance (Monitoring Officer)

Role Profile	Leadership Grade tbc ()
Service/Team	Law and Governance
Reports to	Chief Executive

My job improves the quality of life for the people of Bournemouth, Christchurch & Poole Council by...

Providing strategic and organisational leadership to ensure that the council provides highly effective law & governance services, which is aligned and supports the council's objectives, values and behaviours.

Key Responsibilities

- Lead with initiative, ambition and clarity of vision for a variety of functions and services with a legal, governance, democratic and regulatory focus, engaging positively and proactively with the Executive Leadership Team and elected Members.
- Provide strategic leadership to ensure the governance framework, including the Constitution and democratic decision-making arrangements enable the Council to achieve its objectives effectively, transparently and efficiently
- Develop and embed policies and strategies to promote and achieve high standards of probity and ethical standards across the organisation at member and officer level
- Direct, lead and foster a high performing culture within the Law & Governance Directorate, embedding a culture which promotes excellence and high expectations, and a drive for continuous improvement, best practice and value for money.
- Act as the Council's statutory Monitoring Officer (Local Government and Housing Act 1989) to ensure the Council, its officers and members, maintain the highest standards of conduct and act lawfully and in accordance with the adopted governance and decision-making framework
- Provide strategic legal and governance advice at a corporate level in respect of major decisions; statutory obligations and regulatory matters
- Ensure the provision of a high-quality legal service to the Council through the in-house team and through commissioning external advice
- Lead and manage the following functions:
 - Legal Services
 - Information Governance
 - Democratic and Members Support;
 - Mayoralty/Civic
 - Elections and Electoral Registration Services
 - Registration Services
 - Local Land Charges

- Maintain, monitor and review the Council's Constitution and decision-making framework to ensure it enables effective, transparent and efficient decision making
- Provide advice and support to all elected members to enable members to fulfil their ward role and any other role to which they have been appointed by the Council
- Ensure all members understand their obligations in respect of registration and declaration of interests, and the Council's Code of Conduct, and to effectively manage the arrangements for dealing with complaints against elected members
- Ensure robust performance management exists within the Law & Governance Directorate and drive service improvement, creativity, innovation and new ways of working, and ensure the strategic vision is translated into agreed objectives and operational plans
- Operate effectively within a framework of partnerships at a national, sub-regional and local level
- Achieve and maintain a high level of staff engagement, motivation and clarity as to roles, responsibilities and lead an effective and empowered workforce
- Manage the directorate budget and resources efficiently and develop solutions to achieve effective value for money solutions to financial challenges
- Ensure individual staff accountabilities are clearly defined, understood and agreed and are subject to rigorous review and evaluation
- Establish meaningful departmental measures that ensure the continual improvement of the service in alignment with the corporate direction, priorities and values

Qualifications and Experience

- Significant post qualification experience as a solicitor with evidence of continual professional development
- Up to date knowledge of statutory and legislative framework for the areas of responsibility
- Experience of leading and delivering large and complex organisational and cultural change projects and initiatives, to time and budget, with clear consideration of the legal implications
- Management qualification or equivalent experience
- Substantial experience in both strategic and operational management across a range of services and functions within a large and complex organisation including experience of working within a political organisation which involves day to day relationships with elected members
- Leadership of high profile innovative projects which have a wide-ranging impact and reputational risk for the Council
- Substantial understanding of the local and national environment context

Personal Qualities & Attributes

- Demonstrable commitment to continuous professional development and active participation in regional and national networks within area of focus

- Demonstrates a broad and sophisticated repertoire of leadership behaviours underpinned by strong ethics and personal values
- Ability to operate at both an operational and strategic level and understand the difference
- Maintains good self-awareness through personal reflection, analysis of performance and by regularly seeking feedback from others
- Able to generate support and loyalty at all levels, winning hearts and minds and overcoming barriers
- Innovative, flexible and a champion of change
- Resilient, courageous and tenacious in seeing things through
- Maintains good work/life balance and a lifestyle that supports effective performance and resilience levels

Job Requirements

- Must hold a valid UK driving licence and have access to either their own car or a pool car to undertake the duties of the role

Appendix 2

Anne Brown

Profile

- A highly experienced director of law / corporate services with an extensive working background in local government
- 25 years' experience as monitoring officer in unitary, county and district councils; advising members and officers on complex interest issues, constitutional review and governance related matters. Governance and constitutional reviews for unitary, county, district and parish councils;
- Good people person able to work in both a leadership role and as part of a team. Mentoring and development of teams of new managers;
- Responsible for the development and delivery of authority wide policies and strategies.
- Significant experience in preparation for and delivery and management of shared services and integration of services in a variety of forms in a number of organisations including Cornwall (working with Isles of Scilly) London Borough of Newham and Havering Council (merger of legal departments) ,Basingstoke and Harts Councils review and development of shared services Lincoln – (Lincolnshire Shared Legal Service), Herefordshire Council creating legal shared service with PCT and Herefordshire Hospital Trust shared services company, post set up at Mid Suffolk and Babergh Councils addressing constitution governance and management issues following staff integration .
- Significant experience of high value tendering and evaluation from CCT to shared service provision to Building Schools for the Future programme and City wide communal heating programme at Leicester City Council
- Responsible for 200 plus staff including legal, democratic, audit, licensing, council wide administration, property and maintenance, policy communications, registrars emergency planning.

Previous Roles and Responsibilities

LB Newham and LB Havering – OneSource

Jan 19 – Jul 19

Position Held: Director of Legal and Governance, including Monitoring Officer for LB Havering

- Responsible for joint legal services for over 100 fee earners and support staff
- Responsible for the Elections teams
- Responsible for the Democratic Services team at LB Havering

Cornwall Council (Unitary County)

Aug

17 – Feb 18

Position held: Interim Director of Assurance

Responsibilities:

- Member of management team
- Monitoring Officer
- Responsible for democratic, electoral, legal and audit services for unitary county.

Newham and Havering London Borough Councils **Nov**
15 – Jul 16

Position held: Interim Deputy Director One Source

Responsibilities:

- Deputising for the Director of Law and Governance.
- Monitoring Officer function for Havering Borough Council
- Management of merger of legal departments.

Basingstoke and Dean Borough Council **Aug**
13 – Jun 14

Position held: Interim Head of Governance

Responsibilities:

- Solicitor to Council for legal shared service with Hart Council
- Management of shared legal service and democratic services and licensing
- Undertaken restructure of shared legal service and re negotiation and renewal of contract
- Restructure and up-skilling of democratic services
- Preparation of shared licensing service with adjacent councils
- Constitutional review and advice for change to all out elections and boundary commission review relating to reduction of members.

Mid Suffolk and Babergh District Councils **Jul**
12 – May 13

Position held: Integration Governance Executive

Responsibilities:

- Drafting and implementation of constitutions for both councils following staff integration of all staff in the two Councils.
- Mediation, mentoring and development programme for members
- Restructure of democratic teams.

Hereford and Worcester Fire Authority
Dec 10 – Jul 12

Position held: Interim Clerk and Monitoring Officer

Responsibilities:

- Solicitor to the Authority, Clerk, Monitoring Officer responsible for democratic services and out sourced legal service.
- Resolved significant employment and governance issues affecting senior ranking officers
- Resolved major pension litigation brought by retiring senior officer.
- Governance review, review of constitution for committee system
- Resolution of £1.5 mil procurement dispute case

Herefordshire Council (Unitary County) **Oct**
09 – Apr 11

Position held: Interim Head of Law and Governance

Responsibilities:

- Supported development of shared service company for Local Authority, PCT and Hospital Trust

- Responsible for legal, governance democratic and land charges for Council and PCT
- Formation of legal service to deliver to Unitary County Council, PCT and hospital trust
- Review and redrafting of constitution;
- Clerk to Hereford and Worcester Fire Authority;
- Resolution of Local Standards Regime in crisis;
- Parish Council governance review and community mediation following Standards for England direction

Leicester City Council

Mar

09 – Oct 09

Position held: Team Leader BSF and Major Finance initiatives (Legal)

Responsibilities:

- Responsible for contracts, higher level procurement processes
- Team leader for Building Schools for Future project
- Developed CHP (heating plant) project

Derbyshire County Council

Feb

09 – Mar 09

Position held: Access to Information Locum Solicitor

Responsibilities:

- Reviewed Data Protection Act, Freedom of Information Act, Environmental Information Regulations functions feeding into the information management strategy for the Authority
- Handled complaints to the Information Commissioners Office
- Advised on multi-agency information sharing agreements

Lincoln City Council

Jan

04 – Oct 08

Position held: Head of Corporate Support Services and Monitoring Officer

Responsibilities:

- Solicitor to the Council and Monitoring officer responsible for the management of legal, democratic, licensing, administration, property and maintenance,
- Joint negotiator and overall governance champion for the Western Growth Corridor Project at Lincoln City Council; developing a sustainable urban extension jointly owned by the Council and comprising one eighth of the city's area
- Development of the model for Lincolnshire Shared Legal Services
- Responsible for preparing and delivering Council Asset Management Plan
- Corporate governance lead, chair of corporate governance, asset management and data management groups, Responsible for re drafting of constitution.
- Lead officer to both quasi-judicial and scrutiny committees, extensive experience in managing contentious call in issues

Plymouth City Council

2002 – 2004

Position held: City Solicitor

Responsibilities:

- Member of Council management team responsible for legal, democratic, mayoralty, registrars, coroners, policy and performance, PR services
- Development of constitution in failing authority, development of scrutiny function in a politically hostile environment
- Re organisation of services

Bassetlaw District Council

1989 – 2002

Position held: Head of Legal and Property services

Responsibilities:

- Member of management team, solicitor to the Council and Monitoring Officer
- Lead in a post corruption governance review, successfully received by both the Audit Commission and Local Government Ombudsman
- Lead officer in the case of R v Bassetlaw District Council ex parte Oxby

Position held: Head of Legal and Property Services

1997 – 2002

Position held: Head of Legal Services

1996 – 1997

Position held: Principal Solicitor

1989 – 1996

Derby City Council

1986 – 1989

Position held: Assistant Solicitor/Articled Clerk