



OFFICER DECISION RECORD

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

Decision Ref. No:			
Service Area:	Chief Executive	Date:	1 September 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 and Monitoring Officer		
Decision taken: To confirm the appointment of Sian Ballingall as Interim Monitoring Officer until the Council's recently appointed Director of Law & Governance and Monitoring is available to commence that post.			
Reasons for the decision: To ensure the Council has a designated Monitoring Officer as required by law pending commencement in post of the newly appointed Director of Law & Governance and Monitoring Officer. Due to an unforeseen change in circumstances, the Interim Director of Law Governance and Monitoring Officer has notified the Council that she is unable to continue in post with immediate effect. Since the appointment of an alternative Monitoring Officer must be taken in the agreed timeframe due to the legislative requirements, this decision is now taken by the Chief Executive pursuant to his urgency powers exercisable to protect the Council's interests and legal compliance.			
Background: <ol style="list-style-type: none">1. Following unforeseen events, the current Monitoring Officer has decided to step down from her current position as Interim Director of Law & Governance. The Council must designate an officer of the Council to act as the Monitoring Officer to undertake the duties as set out in section 5 of the Local Government and Housing Act 1989.2. The proposed designation has been recommended by the current Interim Director of Law Governance and Monitoring Officer. Sian Ballingall is the Council's current Head of Legal Services and Deputy Monitoring Officer and has around 9 years' experience of working local government following several years			

experience as a solicitor specialising in real estate in a large City law firm. She has experience of working at two of the preceding unitary Councils prior to LGR and has acted as Deputy Monitoring Officer to Bournemouth Borough Council since early 2014, to both Bournemouth and Poole Borough Councils since October 2017 and subsequently to this Council, advising members and officers on a variety of complex legal and governance issues.

3. The decision to designate the Council's current Deputy Monitoring Officer as interim Monitoring Officer has been discussed and agreed with the Leader of the Council in consultation with the Director of Finance and both the current and proposed Interim Monitoring Officer..

4. The options are either:

- to appoint an external candidate to the post of Interim Director of Law & Governance and Monitoring Officer – this is not recommended due to the commencement in post of the Director of Law & Governance and Monitoring Officer on 8 October;
- to designate Sian Ballingall as the Interim Monitoring Officer and for her to undertake a number of the responsibilities of the Director – Law & Governance role (as described in Appendix 1) on the basis that short term additional resource is engaged to provide support within Legal Services during the period of this appointment - **this is the recommended option.**

Consultations undertaken:

The interim appointment has been made by the Chief Executive under his urgency powers following consultation with the Leader of the Council.

Finance and Resourcing Implications:

There are no financial implications arising from the report. The interim appointment will be fulfilled on a secondment basis with no immediate backfill so will be under the current budget for the Service.

Legal Implications:

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 Council's 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.

Risk Assessment:

This decision will reduce risk in ensuring the duties of the Director of Law and Governance and Monitoring Officer are undertaken and provides the capacity to the organisation.

Name: Lucy Eldred

Date: 1 September 2020

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: 1 September 2020

Date Decision Effective:

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