

Urgent Item

In accordance with Section 100B 4(b) of the Local Government Act 1972 (as amended), and paragraph 4.3.7(b) of the Authority's Standing orders for the Conduct of Business, the Chairman will be asked to allow consideration of the following late item as a matter of urgency to ensure that the statutory role of Clerk/Monitoring Officer to the Authority is filled:

Appointment of Clerk/Monitoring Officer

Purpose of report

1. To confirm the appointment of Clerk/Monitoring Officer to the Authority.
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Recommendations

The Chief Fire Officer recommends that the Authority confirm the appointment of Ms. Charlotte Adan as Clerk/Monitoring Officer to the Authority with immediate effect.

Background

2. Under the Local Government and Housing Act 1989 the Authority is required to make an appointment to the statutory position of Monitoring Officer. In 1997, the Authority linked the role of Clerk with that of Monitoring Officer. The statutory duties of the Monitoring Officer are attached at Appendix 1. The role of Clerk to the Authority is necessary to ensure that meetings are administered in accordance with the relevant statutes and regulations and to deal with legal and procedural matters for the Authority.
3. In June 2006, the Authority confirmed the appointment of Mr A.J. McLaughlin (Deputy Chief Executive of Herefordshire Council) as Clerk/Monitoring Officer to the Authority. Mr McLaughlin has recently left his current position with Herefordshire Council, leaving a vacancy in the office of Clerk/Monitoring Officer to the Authority.
4. Due to the departure of Mr McLaughlin, it is necessary to fill the Clerk/Monitoring Officer role to ensure that the Authority meets its statutory requirements.

Conclusion / Summary

5. The Authority is recommended to appoint Ms. Charlotte Adan, the Interim Assistant Chief Executive (Legal & Democratic) at Herefordshire Council as Clerk/Monitoring Officer to the Authority with immediate effect to ensure that the statutory post is filled.

Corporate Considerations

6. A Business Impact Analysis form is attached at Appendix 2 to measure and address the proposals contained in this report. The form contains information on the potential resource implications, legal issues, strategic policy links, equality / ethical issues and risk management implications.

Supporting Information

Appendix 1 – Role of the Monitoring Officer

Appendix 2 - Business Impact Assessment Form

Contact Officer

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Hereford and Worcester Combined Fire Authority

Functions of the Monitoring Officer

The list of functions below reflects the statutory duties and powers and associated responsibilities of the Monitoring Officer.

Statutory role

- **Ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the Authority if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- **Receiving reports.** The Monitoring Officer will receive and act on reports made by ethical standards officers and decisions of the case tribunals.
- **Conducting investigations.** The Monitoring Officer will conduct investigations into matters referred by ethical standards officers and make reports or recommendations in respect of them to the Standards Committee.
- **Supporting the Standards Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

Other Statutory provisions

- **Duty to Provide Sufficient Resources to the Monitoring Officer.** The Authority will provide the Monitoring Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.
- **Restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

Associated Responsibilities

- **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Authority's Constitution and will ensure that it is widely available for consultation by Members of the Authority, staff and the public.
- **Proper officer for access to information.** The Monitoring Officer will ensure that the Authority's decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, and probity to all Members of the Authority.

(Note: The Chief Fire Officer has been designated as Head of Paid Service and the Treasurer has been designated as the Chief Finance Officer.)

HEREFORD & WORCESTER FIRE AND RESCUE SERVICE

RISK MANAGEMENT - BUSINESS IMPACT ANALYSIS

Purpose
This form needs to be used when compiling all Service/Policy Instructions (SPI's) and relevant PMM and FRA Papers, to **measure and address the business impact your policy or documentation has on the Service.** You should use this form **as a tool to guide** your completion of the proposed documentation and **identify how it links** to Service priorities (Corporate Plan) and current policy framework. This process will improve the Service's management of Corporate Risk and Equality and Diversity. This summary will enable Principal Management and Authority Members to be confident that all Corporate considerations have been **addressed prior to approval.**

PMM Papers (please tick)		FRA Committee Papers (please tick)	✓	Service Policy/Instruction (please tick)	
Paper/Policy Title:	Appointment of Clerk/Monitoring Officer		Author		
Purpose:	To confirm the appointment of Clerk/Monitoring Officer to the Authority.				

Please identify the implications/considerations in the space provided (Comments). Please complete all fields. Make sure you have addressed all relevant corporate considerations within your document.

Corporate Considerations	✓	Comments
Resource Implications	✓	The Authority has a duty to provide sufficient resources to the Monitoring Officer ie such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed. A Service Level Agreement is in place between the Authority and Herefordshire Council for the Clerk/Monitoring Officer. Herefordshire Council receive an annual fee of £6100 which is included within current budgets
Legal	✓	It is a statutory requirement Under the Local Government and Housing Act 1989 to appoint a Monitoring Officer.
Facilities (Property)		
Financial		
Human Resources		
Strategic Policy Implications		
Operational Issues		
Partnership Issues		
Reputational Issues	✓	The Clerk/Monitoring Officer role is key to ensure that advice is provided to reduce the risk of unlawfulness or maladministration regarding Authority decisions. The role also provides advice to Members regarding ethical issues
Environmental Issues		
Data Quality Issues		
Equality/Ethical Issues	<i>Complete Equality Impact Assessment (EIA) Screening Process (page 3).</i>	

HEREFORD & WORCESTER FIRE AND RESCUE SERVICE

Managing Risk								
The Risk Score is derived from the level of Impact and the Likelihood, calculated from the Strategic Risk Matrix – please see below.								
Risk Identified	Inherent Risk Evaluation		Control Measures	Residual Risk Evaluation		Opportunities	Risk Evaluation	
No Clerk/Monitoring Officer in place	Risk Score	9	Appoint Clerk/Monitoring Officer with immediate effect	Risk Score	2		Risk Score	
	Risk Score			Risk Score			Risk Score	

High	Important risks - may potentially affect provision of key services or duties 6	Key risk- may potentially affect provision of key services or duties 8	Immediate action needed - serious threat to provision and/or achievement of key services or duties 9
	Monitor as necessary - less important but still could have a serious effect on the provision of key services or duties 3	Monitor as necessary - less important but still could have a serious effect on the provision of key services or duties 5	Key risks - may potentially affect provision of key services or duties 7
	No action necessary 1	Monitor as necessary - ensure being properly managed 2	Monitor as necessary- less important but still could have a serious effect on the provision of key services or duties 4
low	Low	Likelihood	High

HEREFORD & WORCESTER FIRE AND RESCUE SERVICE

Equality Impact Assessment (EIA) Screening Process

The purpose of an EIA is to work out how a policy or legislative proposal will affect people from different minority groups. **For the purposes of this assessment due consideration should be given to all six areas of equality i.e. Race, Gender, Disability, Sexual orientation, Age, Religion or Belief.** If there are any equality issues, refer to the [EIA Flowchart](#) ensuring that there are no likely adverse affects on minority groups. Until the screening process is complete, it is to be assumed that all policies are relevant to the equalities duties. Please complete the following in detail:

Nature of Activity/Report/Policy	Potential Impact (Yes/No)	Explanation If 'yes', please expand.
<ul style="list-style-type: none"> Does this impact upon the six strands of Equality legislation? If yes, please state which groups i.e. Race, Gender, Disability, Age, Sexual Orientation, Religion or Belief 	Yes	Without a Clerk/Monitoring Officer there is a risk that Authority decisions could be made unlawfully or unfairly.
<ul style="list-style-type: none"> Is there any evidence to suggest that different groups have different needs, experiences, issues and priorities with regards to this activity area or policy? 	No	
<ul style="list-style-type: none"> Does the activity/policy identify and take account of diverse needs? 	No	
<ul style="list-style-type: none"> Have any previous activities/policies raised Equality and Diversity considerations for this particular activity/policy? 	Yes	One complaint received regarding Code of Conduct issue – Monitoring Officer needed to provide training and advice to Members
<ul style="list-style-type: none"> Is the activity/policy meant to overcome inequalities or eliminate barriers? For example harassment, bullying, eliminate stereotypes or other types of disadvantage? 	Yes	Monitoring Officer advice regarding ethical issues will overcome any risks regarding harassment and bullying in relation to the members' Code of Conduct
<ul style="list-style-type: none"> If so, should there be equality objectives? 	No	
<ul style="list-style-type: none"> Are there measures in place to initiate change to the activity/policy if it is not delivering the objective defined at the outset? 	No	
<ul style="list-style-type: none"> Is there any evidence that any part of the proposed activity/policy could discriminate unlawfully, directly or indirectly? 	No	
<ul style="list-style-type: none"> Is the proposed activity/policy likely to affect or promote relations between different groups? 	No	
<ul style="list-style-type: none"> Is there the potential to enhance equality of opportunity through this activity/policy? 	No	
<ul style="list-style-type: none"> Have consultations indicated that the particular activity/policy creates problems specific to any groups? 	No	
<ul style="list-style-type: none"> Does the Service currently collate data specific to this activity for equality monitoring? If no monitoring takes place, speak to the Equality and Diversity Officer. 	No	

If you have answered 'Yes' or 'Not Known' to any of these questions, the proposed activity may be relevant to the equality duties. Please seek advice from the Equality and Diversity Manager who will assist you with carrying out a full impact assessment.