

Staffing Committee

Dorset County Council



Date of Meeting	28 January 2019
Officer	Chief Executive
Subject of Report	Temporary arrangements for covering the role of Monitoring Officer and Service Director Organisational Development
Executive Summary	<p>To facilitate the creation of the new Dorset Council, the Chief Executive Designate has requested the Monitoring Officer commences his new role full-time from 1 January 2019.</p> <p>This paper outlines the arrangements for covering the statutory duty of Monitoring Officer for the County Council and the role of Service Director, Organisational Development.</p>
Impact Assessment:	Equalities Impact Assessment: No separate EqIA has been conducted / is required.
	Use of Evidence: The report is wholly evidence-based.
	Budget: The financial considerations are stated in the report.
	Risk Assessment: The associated risk is low.
	Other Implications: Not applicable.

Temporary arrangements for covering the role of Monitoring Officer and Service Director Organisational Development

Recommendation	It is recommended that the Staffing Committee - a) approves the temporary cover arrangements for the Service Director, Organisational Development, albeit retrospectively, b) notes the exercise of urgency powers by the Chief Executive to appoint a Statutory Monitoring Officer for the Council.
Reason for Recommendation	To facilitate the establishment of Dorset Council by the early release of the current post holder into the new role. To provide cover for the Council's statutory role of Monitoring Officer and the vacant role of Service Director, Organisational Development from 1 January 2019 to 31 March 2019.
Appendices	None
Background Papers	None
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Temporary arrangements for covering the role of Monitoring Officer and Service Director Organisational Development

1. Introduction

- 1.1 Recruitment to the Executive roles for Dorset Council are now complete. The Council's Service Director, Organisational Development and Statutory Monitoring Officer, has been appointed to the role of Corporate Director (Legal and Democratic Services Monitoring Officer) at Dorset Council.

2. Early release of Service Director, Organisational Development to Dorset Council

- 2.1 A request has been received from the Chief Executive Designate of Dorset Council to release the Service Director, Organisational Development and Statutory Monitoring Officer, to the new role at Dorset Council from 1 January 2019 on a full-time basis. The reason for the request is to facilitate the legal arrangements for the creation of the new Dorset Council.
- 2.2 The role of Service Director, Organisational Development and the statutory role of Monitoring Officer for the Council are held by one post holder. A Monitoring Officer is appointed under section 5 of the Local Government and Housing Act 1989 and is required to report to the council where it appears to them the authority has done, or is about to do, anything which would contravene the law or which would constitute maladministration.
- 2.3 The replacement of the Council's Monitoring Officer is a matter for the County Council's full council.
- 2.4 The replacement of Service Director, Organisational Development is a matter for Staffing Committee.
- 2.5 In order for the Council to remain legally compliant, a resolution to this situation is urgently required. Members are asked to note the Chief Executive's application of urgency power in paragraph 5 of this report.

3. Cover arrangements for the role of Monitoring Officer in Dorset County Council

- 3.1 Using urgency powers, the Chief Executive has appointed the Council's Legal Services Manager (and Deputy Monitoring Officer) as the Council's Monitoring Officer for the period 1 January 2019 to 31 March 2019. The post holder meets the requirement of the Monitoring Officer role and is a highly experienced and qualified solicitor.
- 3.2 It is proposed that the Legal Services Manager acts up to the role of Service Director, Organisational Development for the period 1 January 2019 to 31 March 2019. During the three-month period the post holder will continue to manage the Legal Services Team. In addition, Human Resources and Organisational Development and Democratic Services will be added to the reporting lines.

4. Financial considerations

- 4.1 An acting up allowance to reflect the increased responsibilities will be paid. It is anticipated that the changes will be cost neutral unless additional back-fill arrangements are required.

Temporary arrangements for covering the role of Monitoring Officer and Service Director Organisational Development

- 4.2 For the purposes of completeness, the Council will incur 50% of the costs of Dorset Council's Monitoring Officer commencing work before 1st April 2019, as these costs are shared by all sovereign councils. This should be seen as a separate matter, as the Council would be expected to cover these regardless of any backfill arrangements needed.

5 Urgency powers of Chief Executive

- 5.1 The Monitoring Officer aspect of the role must commence as soon as the necessary arrangements can be made. Given we only have 3 months to cover, I have exercised the urgency powers granted to me as Chief Executive. Otherwise we would either have to wait until Full Council on 28 March 2019 or operate without a Monitoring Officer neither of which is acceptable. The exercise of urgency powers by a Chief Executive, especially for something normally reserved to the full County Council, is not something to be taken lightly, but in the circumstances, I advise we do not have much by way of alternative.

The key points in relation to urgency powers within the constitution are:

- 5.2 Para 4.3

If authority to act has been reserved to the Full Council, the Cabinet, a Committee or subcommittee then no member of staff may exercise delegated authority in relation to that matter without the approval of the decision making body. The authorisations which are reserved are described in the appendices. In addition, and in accordance with Part 2, Article 13 of the Constitution, "key decisions" are executive decisions reserved to the Cabinet, in accordance with the Executive Procedure Rules set out in Part 4 of the Constitution. Key decisions are those where the financial implications for the County Council exceed £500,000 or which are likely to have a significant effect on a division or divisions represented by at least two members. Exceptionally the Chief Executive has delegated authority to act in cases of urgency, including making key decisions.

- 5.3 Appendix 5 (Delegations to the Chief Executive), para 2.4

To authorise in cases of urgency the acquisition or disposal of land or any other step or transaction (not limited to land and property matters) which he/she considers to be in the best interests of the County Council, (which shall include making "key decisions") after consultation with the Chairman and Vice-Chairman of the Cabinet and after having taken advice from the Chief Financial Officer and the Monitoring Officer.

- 5.4 The Scheme of Delegation anticipates that officers will consult with relevant Committee Chairs before exercising delegated authority (in this instance the Chairs of both Full Council and the Staffing Committee, and the Chief Financial Officer) before reporting the decision to the next relevant meeting. As this decision relates to the Monitoring Officer and both the Council's Monitoring Officer and Deputy Monitoring Officer are directly affected I am not consulting with them about the decision in this instance, although I have spoken with them both about proper process.

Mike Harries
Chief Executive

January 2019