

# Appointment of Clerk and Monitoring Officer and Deputy Clerk and Monitoring Officer

## Report of the Chief Fire Officer

For further information about this report please contact Alan Taylor, Chief Fire Officer, on 01743 260201 or Sharon Lloyd, Corporate Services Manager, on 01743 260210.

### 1 Purpose of Report

Roger Woliter, the Fire Authority's Clerk and Monitoring Officer will be leaving his post as Head of Legal Services at Telford & Wrekin Council in January 2009. This report recommends that Jonathan Eatough, the officer appointed as his replacement at Telford & Wrekin Council, also be formally appointed as the Clerk and Monitoring Officer to the Fire Authority.

### 2 Recommendations

Members are asked to:

- a) Appoint Jonathan Eatough as Clerk and Monitoring Officer to the Fire Authority; and
- b) Request the continued appointment of Matthew Cumberbatch as Deputy Clerk and Monitoring Officer to the Fire Authority.

### 3 Background

The statutory role of the Monitoring Officer was introduced under the Local Government and Housing Act 1989 to ensure that local authorities operate within the law and within any codes of practice, and that maladministration or injustice does not occur.

In 1997 the Home Office suggested that combined fire authorities should give careful consideration to the appointment of a Clerk to the Authority and that this could be combined with the role of the Monitoring Officer. The Clerk is responsible for calling all meetings of the Authority and ensuring that proper arrangements for meetings are in place.

The Local Government Act 2000 substantially enhanced the role of the Monitoring Officer, giving it key responsibilities in supporting Standards Committees. The duties of the Monitoring Officer are performed personally or, where the Monitoring Officer is unable to act personally as a result of absence or illness, by such member of staff, who has been nominated as Deputy.

#### **4 The Current Position**

Roger Woliter and Matthew Cumberbatch were appointed as Clerk and Deputy Clerk and Monitoring Officer to the Fire Authority respectively on 30 April 2008. This was an interim arrangement brought about by Sue Kembrey, the previous Clerk and Monitoring Officer leaving Telford & Wrekin Council to take up an appointment elsewhere.

As Roger Woliter is now leaving Telford & Wrekin Council, it is necessary for a permanent Clerk and Monitoring Officer to be appointed.

#### **5 Recommendations**

Members are recommended to appoint Jonathan Eatough as Clerk and Monitoring Officer to the Fire Authority.

The new Monitoring Officer is requested to continue the appointment of Matthew Cumberbatch as Deputy Monitoring Officer. Matthew Cumberbatch is Group Solicitor (Standards and Regulatory) in Legal Services at Telford & Wrekin Council. He currently works with the Fire Authority's Standards Committee, providing legal advice on all standards-related issues, in which the Committee is involved.

#### **6 Financial Implications**

There are no financial implications arising from this report. The Fire Authority has service level agreements in place with Telford & Wrekin Council for the provision of clerking and monitoring officer services, which will not be affected by the recommendations.

#### **7 Legal Comment**

Under the Local Government and Housing Act 1989 the Fire Authority is required to designate an officer as its Monitoring Officer. The Deputy Monitoring Officer is an appointment made by the Monitoring Officer.

## 8 Equality Impact Assessment

An Initial Equality Impact Assessment was completed for the report regarding the interim arrangements, which was submitted to the Fire Authority on 30 April 2008. As the only change is that of the name of the proposed Clerk and Monitoring Officer, an Equality Impact Assessment has not been completed for this report.

## 9 Appendices

There are no appendices attached to this report.

## 10 Background Papers

### Shropshire and Wrekin Fire Authority

15 September 1999, Report 7 - Appointment of Clerk and Monitoring Officer, and Minutes

Standards Committee 1 July 2002, Report 5 – Appointment of Deputy Monitoring Officer, and Minutes

25 July 2002 Item 10b – Standards Committee Minutes 1 July 2002, and Minutes

30 April 2008, Report 10 – Appointment of Clerk and Monitoring Officer and Deputy Clerk and Monitoring Officer and Minutes

### Her Majesty's Government

The Local Government and Housing Act 1989

The Local Government Act 2000

Implications of all of the following have been considered and, where they are significant (i.e. marked with an asterisk), the implications are detailed within the report itself.

Balanced Score Card		Integrated Risk Management Planning	
Business Continuity Planning	*	Legal	*
Capacity		Member Involvement	
Civil Contingencies Act		National Framework	
Comprehensive Performance Assessment		Operational Assurance	
Efficiency Savings		Retained	
Environmental		Risk and Insurance	
Financial	*	Staff	
Fire Control/Fire Link		Strategic Planning	
Information Communications and Technology		West Midlands Regional Management Board	
Freedom of Information / Data Protection / Environmental Information		Equality Impact Assessment	*