



Essex Police, Fire and Crime Commissioner Fire and Rescue Authority Decision Report

Please ensure all sections below are completed

Report reference number: 100 2017
(Please contact OPFCC for reference number)

Government security classification:
Not protectively marked

Title of report:
Appointment of Monitoring Officer

Area of County/Stakeholders affected:
Countywide

Report by : Adam Kendall

Date of report: 2nd October 2017

Enquiries to: adam.kendall@essex.pnn.police.uk

1. Purpose of report

The purpose of this report is to obtain approval for the designation of an officer to be the Monitoring Officer who will fulfil the duties outlined in section 5 Local Government and Housing Act 1989 and subsequent amendments for the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority ("the Commissioner").

2. Recommendations

It is recommended to designate Susannah Hancock (Chief Executive of the Office of the Police, Fire and Crime Commissioner) as the Monitoring Officer for the Commissioner.

3. Benefits and Costs of Proposal

The designation of Susannah Hancock as the Monitoring Officer of the Commissioner would mean that she would undertake this role for both the Police and Crime Commissioner (PCC) and Commissioner.

There are a number of benefits of making this designation:

- The Chief Executive has experience of undertaking the role of Monitoring Officer and providing advice to the Police, Fire and Crime Commissioner
- There will be a cost saving as the function will no longer be contracted out to a third party.
- The advice provided would be distinct and separate from that which was provided to Essex Fire Authority, and provide a fresh start.
- There would be consistency in advice provided to the Police, Fire and Crime Commissioner for both police and fire and rescue services.

4. Background and proposal

The Monitoring Officer has the specific duty to ensure that the Commissioner and its officers maintain the highest standard of conduct in all they do.

The legal basis for the post is found in section 5 of the Local Government & Housing Act 1989, as amended by schedule 5, paragraph 24 of the Local Government Act 2000 and the Policing and Crime Act 2017.

The Monitoring Officer has three main roles:

- to report on matters he or she believes are, or are likely to be, illegal or amount to maladministration;
- to be responsible for matters relating to the conduct of councillors and officers; and
- to be responsible for the operation of the council's constitution.

The Commissioner has an obligation to designate one of its officers as a Monitoring Officer and provide that officer with such staff, accommodation and other resources as are, in the Monitoring Officer's opinion, sufficient to allow his/her duties to be performed.

The option to continue the arrangements established by the former Essex Fire Authority to contract the role of Monitoring Officer was considered. On balance the designation of the Chief Executive of the Office of the Police, Fire and Crime Commissioner was considered the most cost effective solution and would ensure that consistent advice is provided.

5. Strategic Priorities

There are no implications on the strategy and objectives of the Commissioner by making this designation.

6. Operational Implications

The role of a Monitoring Officer is to ensure that there is high standard of conduct and maintain good governance. There are no operational implications by making this designation.

7. Financial Implications

The undertaking of the functions of the Monitoring Officer through the current proposal would save £40k a year compared to the cost incurred by the Essex Fire Authority as the function was previously contracted out to Essex Legal Services.

8. Legal Implications

The appointment of a Monitoring Officer satisfies the obligations contained within the Policing and Crime Act 2017 with regard to this statutory officer.

9. Staffing and other resource implications

The individual who is affected by the designation of the role of Monitoring Officer has been consulted and they have agreed to take on this additional responsibility.

10. Equality and Diversity Implications

There are no equality and diversity implications of this decision.

11. Risks

There are no significant risks in relation to this decision.

12. Governance Boards

As this is the first decision to be made by the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority following its creation on the 1st October 2017, there were no formal boards for the development of this proposal to be discussed at. To ensure that the document is fit for purpose the Chief Fire Officer, Chief Finance Officer the Essex Fire Authority were engaged and legal advice was sought from the PCC's legal advisors.

11. Background papers

None

Decision Process

Step 1A - Chief Fire Officer Comments

(The Chief Fire Officer is asked in their capacity as the Head of Paid Service to comment on the proposal.)

My team and I have been engaged in the development of the Constitution for the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority and support the proposal in this decision report.

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Step 1B – Consultation with representative bodies

(The Chief Fire Officer is to set out the consultation that has been undertaken with the representative bodies)

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Step 2 - Statutory Officer Review

The report will be reviewed by the Essex Police Fire and Crime Commissioner Fire and Rescue Authority's ("the Commissioner") Monitoring Officer and Chief Financial Officer prior to review and sign off by the Commissioner or their Deputy.

Monitoring Officer	Sign: <u><i>[Signature]</i></u>
	Print: <u>S. HANCOCK</u>
Chief Financial Officer	Sign: <u><i>[Signature]</i></u>
	Print: <u>CLAYTON 19/11/17</u>

Step 3 - Publication

Is the report for publication? YES/NO

If 'NO', please give reasons for non-publication (state 'none' if applicable)

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If the report is not for publication, the Monitoring Officer will decide if and how the public can be informed of the decision.

