

Meeting	SOUTH YORKSHIRE FIRE AND RESCUE AUTHORITY
Meeting Date	15 APRIL 2024
Report of	CLERK TO THE FIRE AND RESCUE AUTHORITY
Report Sponsor(s)	DEPUTY CLERK
Subject	APPOINTMENT OF MONITORING OFFICER TO THE AUTHORITY

EXECUTIVE SUMMARY

The Monitoring Officer to the Authority, Sukdave Ghuman, who is the Service Director, Law and Governance at Barnsley MBC is leaving the organisation at the end of April 2024 and this report details the succession arrangements.

Members are recommended to appoint the new Monitoring Officer, Kate Charlton, Interim Service Director Legal & Governance, with effect from 30 April 2024.

RECOMMENDATION(S)

Members are recommended to:-

- a) Appoint Kate Charlton, Interim Service Director Legal & Governance, as Monitoring Officer to the Authority. On appointment the Monitoring Officer will appoint a Deputy Monitoring Officer.

CONTENTS

Main Report

BACKGROUND

1. S5 Local Government & Housing Act 1989 requires a relevant authority to designate an officer as its Monitoring Officer to hold statutory responsibility in accordance with s5A Local Government & Housing Act 1989:

(1)Where a relevant authority are operating executive arrangements, the monitoring officer of that authority shall be responsible for performing the duties imposed by this section.

(2)It shall be the duty of the monitoring officer of a relevant authority that is referred to in subsection (1) above, if at any time it appears to him that any proposal, decision or omission, in the course of the discharge of functions of the relevant authority, by or on behalf of the relevant authority's executive, constitutes, has given rise to or is likely to or would give rise to any of the events referred to in subsection (3), to prepare a report to the executive of the authority with respect to that proposal, decision or omission.

(3)The events referred to for the purposes of subsection (2) are—

(a)a contravention, by the relevant authority's executive or any person on behalf of the executive, of any enactment or rule of law; or

(b)any such maladministration or failure as is mentioned in Part III of the Local Government Act 1974 (Local Commissioners); or

(c)a matter which the Public Services Ombudsman for Wales would be entitled to investigate under the Public Services Ombudsman (Wales) Act 2005 or the Public Services Ombudsman (Wales) Act 2019.

2. The Monitoring Officer is responsible for:
 - a. Maintaining the constitution
 - b. Ensuring lawfulness and fairness of decision making
 - c. Intervening if any act or omission would result in unlawfulness or being likely to act unlawfully
 - d. Supporting various Committees
 - e. Receiving and investigating complaints
 - f. Conducting investigations
 - g. Providing advice
3. Sukdave Ghuman, Service Director of Law and Governance at Barnsley MBC, is leaving the Council at the end of April 2024. The Council has appointed Kate Charlton Interim Service Director Law & Governance and Monitoring Officer.
4. The Authority is, therefore, recommended to formally appoint Kate Charlton as Monitoring Officer to the Authority. On appointment the Monitoring Officer will appoint a Deputy Monitoring Officer.

CONTRIBUTION TO OUR ASPIRATIONS

- Be a great place to work-** we will create the right culture, values and behaviours to make this a brilliant place to work that is inclusive for all
- Put people first-** we will spend money carefully, use our resources wisely and collaborate with others to provide the best deal to the communities we serve
- Strive to be the best in everything we do-** we will work with others, make the most of technology and develop leaders to become the very best at what we can be

OPPORTUNITIES FOR COLLABORATION

- Yes
 No

If you have ticked 'Yes' please provide brief details in the box below and include the third party/parties it would involve:

CORPORATE RISK ASSESSMENT AND BUSINESS CONTINUITY IMPLICATIONS

2. The appointment of a Monitoring Officer to the Authority ensures continuity of professional advice and guidance and compliance within the law governing the Fire Authority.

EQUALITY ANALYSIS COMPLETED

- Yes

If you have ticked 'Yes' please complete the below comment boxes providing details as follows:

Summary of any Adverse Impacts Identified:	Key Mitigating Actions Proposed and Agreed:

- No
 N/A

If you have ticked 'No' or 'N/A' please complete the comments box below providing details of why an EA is not required/is outstanding:

This report does not relate to the introduction of a new policy, strategy or procedure.

HEALTH AND SAFETY RISK ASSESSMENT COMPLETED (tick relevant box)

- Yes
 No
 N/A

If you have ticked 'No' or 'N/A' please complete the comments box below providing details of why a Health and Safety Risk Assessment is not required/is outstanding:

This report covers governance arrangements and does not require a H&S / risk assessment.

SCHEME OF DELEGATION

3. Under the South Yorkshire Fire and Rescue Authority [Scheme of Delegation](#) a decision *is required / *has been approved at Service level.

Delegated Power

Yes
No

This report is not submitted under delegated powers. It relates to the procedural / governance arrangements of the Authority.

IMPLICATIONS

4. Industrial Relations, Financial, Legal, Asset Management, Environmental and Sustainability, Diversity, Communications and Health and Safety implications have been considered in compiling this report.

List of background documents

List of background documents		
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