

Report to	<b>North Wale Fire and Rescue Authority</b>
Date	<b>28 April 2025</b>
Lead Officer	<b>Dawn Docx, Chief Fire Officer</b>
Contact Officer	<b>Helen MacArthur, Assistant Chief Fire Officer</b>
Subject	<b>Appointment of Monitoring Officer and Treasurer</b>



## PURPOSE OF REPORT

- 1 To advise Members on the requirements of the statutory posts of Monitoring Officer and Treasurer and to seek approval to extend the current appointments to 31 March 2027.

## EXECUTIVE SUMMARY

- 2 The roles of Monitoring Officer and Treasurer are statutory posts which must be held by named individuals with the relevant knowledge, skills and experience. Following a competitive process the posts were filled from 1 April 2021, and it is recommended that this arrangement be extended to 31 March 2027.
- 3 Under the terms of the Authority's constitution, this appointment needs to be considered by the Executive Panel prior to full approval by the North Wales Fire and Rescue Authority (the Authority).

## OBSERVATIONS FROM THE EXECUTIVE PANEL

- 4 This matter was considered by the Executive Panel at its meeting of 17 March 2025. Following discussion and assurances on the performance of the existing arrangements, the Executive Panel endorsed the recommendation to extend the contracts for both the Monitoring Officer and S151 officer to the 31 March 2027.

## RECOMMENDATIONS

- 5 It is recommended that Members:
  - i) **note the requirement to appoint to the statutory roles of Treasurer and Monitoring Officer; and**
  - ii) **approve the recommendation to extend the current arrangements to 31 March 2027.**

## BACKGROUND

- 6 The statutory role of Monitoring Officer was established by the Local Government and Housing Act 1989 as amended by Schedule 5 of the Local Government Act 2000. The Monitoring Officer is required to provide advice and guidance to the Authority in respect of matters of law and administration.

- 7 The statutory role of Treasurer was established by the Local Government Act 1972. This requires that every authority plans for the proper administration of its financial affairs and that responsibility is vested with one individual, the responsible finance officer.
- 8 The requirement to appoint to these statutory roles is recognised within the Authority's Constitution and Article 7 includes the designated posts of Monitoring Officer and Treasurer. Given the statutory nature of these roles there is a requirement for them to be held by a named officer.
- 9 The relevant section from the Constitution is replicated in [Appendix A](#) for ease of reference to confirm the scope and functions of these posts.
- 10 The services of the current Monitoring Officer are procured from Flintshire County Council and the role is fulfilled by a named officer, its Monitoring Officer, Gareth Owens. The appointment followed a competitive process, concluded during 2022, and the contract was let for a three year period to 31 March 2025 with the option to extend for two further years, until 31 March 2027.
- 11 The current Treasurer is Mr Dafydd Edwards who was appointed following a competitive process, concluded during 2022, and the contract was let for a three year period to 31 March 2025 with the option to extend for two further years, until 31 March 2027.

## **INFORMATION**

- 12 The roles of Monitoring Officer and Treasurer require specific knowledge of local authority arrangements including constitutional matters, governance, statutes, regulations and relevant codes. The appointment process should allow for full consideration of these technical aspects when awarding the contracts.
- 13 The Authority's Constitution requires adherence to public sector principles of openness and transparency and the process followed an open and competitive process to enable those qualified to fulfil them to consider the role. The contracts were let for a minimum period of three years from 1 April 2022 to 31 March 2025 with the option to extend for a further two years.
- 14 In accordance with the requirements of the Constitution, the decision to extend the contracts should be considered by the Executive Panel prior to approval by the Authority.

## IMPLICATIONS

Well-being Objectives	Robust governance arrangements are a key factor in ensuring that the Authority functions in accordance with its well-being objectives.
Budget	These are statutory roles for which budget provision has been made.
Legal	The appointment of a Monitoring Officer and a Treasurer is a statutory requirement.
Staffing	No impact identified.
Equalities/Human Rights/Welsh Language	The appointment process will give due consideration to compliance with these aspects.
Risks	Failure to appoint would result in the Authority not discharging its statutory responsibility and expose it to legal challenge and reputational risk.

## **7. Officers**

### **7.1. Management structure**

- (a) The Authority shall engage such people (referred to as officers) as it considers necessary to carry out its functions. Officers may be authorised either by the Authority or a Committee to take decisions. The scope of these delegated powers is set out in the general Scheme of Delegation in Part 3 of this Constitution.
- (b) Although there is no legal requirement for the Authority to appoint a Head of the Paid Service, the Authority has chosen to do so as a matter of good practice. The Head of the Paid Service will determine the overall departmental structure and deployment of staff.

#### **(c) Head of the Paid Service, Monitoring Officer and Chief Financial Officer.**

The Authority will designate the following posts as shown:

POST	DESIGNATION
Chief Fire Officer/Chief Executive	Head of the Paid Service Section 151
Officer/Treasurer	Treasurer
Clerk	Monitoring Officer

### **7.2. Functions of the Head of the Paid Service**

#### **(a) Discharge of functions by the Authority**

The Head of the Paid Service will report to the Authority on the manner in which the discharge of the Authority's functions are co-ordinated.

#### **(b) Restrictions on functions**

The Head of the Paid Service may not be the Monitoring Officer but may hold the post of Treasurer if a qualified accountant.

### **7.3. Functions of the Monitoring Officer**

#### **(a) Maintaining and reviewing the Constitution**

The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Members, staff and the public. He/she will keep the constitution under review in accordance with Article 11 below.

#### **(b) Ensuring lawfulness and fairness of decision making**

After consulting with the Head of the Paid Service and Treasurer, 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.

### **(c) Ethical Standards**

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through:

- (i) provision of training to Members
- (ii) receiving, acting upon and where appropriate investigating complaints of alleged breaches of the Code of Conduct in accordance with the Arrangements for Code of Conduct Investigations and Decision; and
- (iii) provision of advice and support to the Audit and Standards Committee.

### **(d) Proper officer for access to information**

The Monitoring Officer will ensure that decisions of the Authority and its committees and relevant officer reports and background papers are made publicly available as soon as possible.

### **(e) Providing advice**

The Monitoring Officer will provide advice on the scope of the Authority's powers, maladministration, financial propriety, the Codes of Conduct, Standing Orders and the protocols to all Members and will advise and support Members and officers in their respective roles.

### **(f) Restrictions on posts**

The Monitoring Officer cannot be the Treasurer or the Head of the Paid Service.

## **7.4. Functions of the Treasurer**

### **(a) Ensuring lawfulness and financial prudence of decision making**

After consulting with the Head of the Paid Service and the Monitoring Officer, the Treasurer will report to the Authority and the Authority's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Authority is about to enter an item of account unlawfully.

### **(b) Administration of financial affairs**

The Treasurer will have responsibility for the administration of the financial affairs of the Authority.

### **(c) Providing advice**

The Treasurer will provide advice on financial impropriety, probity and budget and policy framework to all and will support and advise councillors and officers in their respective roles.

### **7.5. Conduct**

- (a) Officers will comply with the Protocol on Officer/Member relations set out in Part 5 of this Constitution.
- (b) The Monitoring Officer shall record in a book to be kept for the purpose particulars of any notice given by an Officer of the Authority under Section 117 of the Local Government Act 1972, of a pecuniary interest in a contract, or proposed contract, and the book shall be available during office hours for inspection by any Member of the Authority.

### **7.6. Employment**

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 4 of this Constitution.