

# **Dorset & Wiltshire Fire and Rescue Authority**

Role of Clerk & Monitoring Officer

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The Clerk and Legal Advisor as statutory Monitoring Officer under Section 5 of the Local Government and Housing Act 1989 is appointed by and is accountable to the Dorset & Wiltshire Fire and Rescue Authority (the Authority).

As designated Clerk & Monitoring Officer, under section 5 of the 1989 Act, the post-holder has a duty to ensure that the Authority and the Dorset & Wiltshire Fire and Rescue Service (the Service) act within and through the law. They have a duty to intervene if they become aware that any act or omission would result in the Authority or the Service acting unlawfully or being likely to act unlawfully.

As Clerk & Monitoring Officer, the post-holder also has responsibilities under the Localism Act to assist the Authority in promoting high standards of conduct amongst Members. They hold further responsibilities as proper officer in relation to the Authority's governance arrangements.

As Legal Advisor to the Authority and to the Service the post-holder is responsible for providing or for arranging for the provision of an independent, timely and reliable legal service which includes guidance on corporate governance, public service policy and procedural matters relating to the Authority and the Service. This is in addition to a specialised legal service and advice in relation to employment and workforce, commercial contracts and procurement, property, health and safety, data protection and freedom of information and other relevant areas of law.

An agreement with Dorset County Council provides for the post-holder and such of their staff within the County Council as are necessary for the purpose to be released in order for the Clerk & Monitoring Officer and legal advisory roles to be discharged effectively.

## **Main Responsibilities**

1. Provide legal direction and procedural corporate and ethical advice on which the Authority/Service can base strategic plans and focus on key priorities within the resources available; in line with the vision, aims and values.
2. Act as the designated Clerk & Monitoring Officer providing assurance that the Authority carry out functions and address issues lawfully within codes of practice, dealing with standards and code of conduct issues including any learning and development needs.
3. Manage, oversee and be involved in the decision-making processes to assist the Members and Officers to discharge the Authority's strategic and operational responsibilities and ensuring good corporate governance that attains lawfulness and the highest standards of ethical behaviour, probity and propriety.

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4. Advise the Authority on duties, powers and procedures giving independent, timely and reliable information on matters which are not the responsibility of the Chief Fire Officer, Head of Financial Services & Treasurer and Deputy Chief Fire Officer.
5. Liaise with the Chief Fire Officer, Head of Financial Services & Treasurer and Deputy Chief Fire Officer to ensure they are kept up to date with matters relating to governance, public service policy and operation of the Service and that any areas of concern are reported.
6. Deliver horizon scanning and research critically interpreting relevant legislation and associated documents preparing reports on the potential impact, possible legal consequences and appropriate reflection in policies and plans.
7. Provide independent, timely and reliable legal guidance on matters relating to corporate and governance, employment and workforce, commercial, contracts and procurement, property and estates, health and safety, and other areas such as data protection and freedom of information.
8. Advise on formation of contracts and post contracts issues as directed by the Chief Fire Officer liaising with other appropriate Senior Officers.
9. Advise and deal with the conveyance of freehold and leasehold land as directed by the Authority and the Chief Fire Officer.
10. Advise the Independent Remuneration Panel/s and implement the agreed scheme of Members' allowances.
11. Prepare for and attend meetings as the Legal Advisor/Clerk & Monitoring Officer to provide advice, undertake matters, oversee procedures and take follow up action as required by the Authority and Chief Fire Officer including involvement in corporate work programmes.
12. Be responsible for the production, maintenance, approval and monitoring of key corporate constitution and legal documents in association with the Authority, Chief Fire Officer, Deputy Chief Fire Officer and Directors.
13. Work with the Head of Strategic Planning & Corporate Assurance in the production of the annual review of corporate governance and the Authority's Statement of Assurance
14. In consultation with the Head of Financial Services & Treasurer ensure the production of the Annual Governance Statement for the Authority.
15. Ensure timely and reliable legal advice is provided as required by the Chief Fire Officer in preparation for negotiation meetings with representative bodies.

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16. Report to the Authority if at any time there is a likelihood of contravention of any law by a proposal, decision or omission by the Authority or by any person employed by them.
17. Prepare cases from inception and represent the Authority where appropriate in court, at public enquiries, hearing, arbitrations, medical panels and employment tribunals, etc.
18. Report to the Authority if at any time the Ombudsman investigates a complaint of maladministration or failure to provide a service or failure in a service, which it is the Authority's function to provide.
19. Deal with the prosecution and defence of both civil and criminal litigation in liaison with the Authority and the Chief Fire Officer.
20. Ensure, in agreement with the Chief Fire Officer, the required resources to support the Legal Advisor/Clerk & Monitoring Officer functions including nomination of a Deputy when the post-holder is unable to fulfil the role due to conflict of interest or planned absence.
21. Commission work, negotiate and agree terms of employment of counsel and external solicitors when required to do so by the Chief Fire Officer acting as an interface between the Service and external providers.
22. Act as the legal representative for the Authority on national, regional and local bodies as appropriate and as agreed with the Chief Fire Officer.
23. Carry out any other activities which fall within the broad purpose and scope of the responsibilities of the role and which are commensurate with the grade of the post.