

ROLE PROFILE**Role Title:** Director – Law and Governance (Monitoring Officer)**Accountable to:** Deputy Chief Executive**Grade:** DTR**JE code:** JE1878**Purpose of Role**

To provide strategic leadership to the legal, democratic and information governance services and be the principal advisor to the Council on such matters. The post holder will be MKC's Monitoring Officer a member of the Corporate Leadership Team.

Key Objectives

1	Personally provide high quality and timely legal advice and legal professional work to the Council
2	Ensure that the Council receives timely, cost effective and customer focussed legal advice that appropriately meets the needs of all stakeholders and customers
3	Provide leadership to all stakeholders to ensure that the Council acts legally and in a transparent manner but also manages risk in an effective and appropriate way
4	Ensure that the Council's democratic and member support services provides timely, cost effective support and advice to all councillors, relevant stakeholders and the public
5	Discharge the statutory duties and responsibilities of Monitoring Officer, promoting high standards of conduct across the Council and more generally across the Town and Parish areas. Act as Senior Responsible Officer (SRO) in relation to the Council's investigative powers Undertake such other proper officer functions as may be required
6	Support the Returning Officer, and the Electoral Registration Officer to ensure that all electoral or related are conducted lawfully and effectively
7	Be a member of the Corporate Leadership Team (CLT), providing advice and leadership to all colleagues and advice and support to councillors
8	Be accountable for the scale, management and organisation of resources and assets within the service to meet corporate standards of performance
9	Take the lead corporate role in relation to transparency and the appropriate safeguarding of data and in relation to fairness, ethics and standards
10	To take the lead role for information governance at the Council including being the Council's Data Protection Officer
11	Manage the Directorate Budget (currently c£3m) ensuring value for money in the delivery

of services.

Scope

The role encompasses accountability for the leadership of, planning, organisation and management of the following principal services:

- Legal services
- Democratic Services
- Overview and Scrutiny
- Elections and Electoral Registration
- Mayoral and Councillor support
- Information Governance – Data Protection and Freedom of Information

This role will also need to procure and act as the contract manager for external legal services and advice.

Services will be led and managed in accordance with corporate standards and in adherence to key corporate objectives with regard to:

- financial and budgetary management
- the achievement of agile working objectives
- meeting corporate values and behaviours
- the enhancement of commercial capacity
- ethical, transparency and customer service standards.

Work Profile

Ensure that all advice to and decisions of the Council are made in the light of current law and will ensure that legal advisors maintain appropriate professional currency and knowledge. They will ensure that advice is commissioned by the most appropriate and cost effective means.

Keep under review support and advice from commissioned third parties in respect of major contract, financing and partnership arrangements being proposed or pursued by the Council to ensure that the support and advice is fit for purpose and in line with the specified requirement. The postholder will provide challenge and advice to both the commissioning organisation and to the commissioned providers.

Responsible for expenditure from budgets of c £4.2m of which c £2.9m is the staffing budget (in excess of 60 FTEs).

Accountable for the development of an appropriate framework of legal policies and procedures and for the provision of sensitive, practical and timely advice that promotes the Council's interests and meets service needs, working with the Chief Executive to promote and maintain probity in all of the Council's activities.

Accountable for the development of appropriate councillor support and democratic services and for ensuring that all councillors receive support and development for their role. They will ensure the provision of support to both executive and scrutiny functions and will support and advise the Council's Standards Committee.

As a member of the Council’s Corporate Leadership Team, the post holder will have collective responsibility for the direction and management of the Council and must lead in accordance with corporate leadership competencies.

Take the professional lead for the Council in all areas of governance and creation and maintenance of ethical standards. To also contribute and interact with the Council’s other statutory officers, principally the Section 151 Officer and the Head of Paid Service.

This role requires complex engagement with senior political and managerial leaders as well as support to all other councillors and colleagues and to engage with them to ensure the effective governance of MKC.

The role will also require periodic engagement with senior governmental and other leaders and bodies and with a diverse range of stakeholders from the local area.

The postholder's actions will have direct influence on the Council’s decisions, the decisions of partner and external bodies and their subsequent implementation. This will directly affect the implementation of major policy initiatives, schemes and actions and will have significant budgetary, financial impact and policy implications.

The role will line manage reports across Legal Services, Democratic Services, Elections and Information Governance.

The Council’s Constitution includes as an annex the below Schedule of Monitoring Officer Functions:

SCHEDULE OF MONITORING OFFICER FUNCTIONS		
	Description	Source
1	Report on actual or likely contraventions of any enactment or rule of law	S5 Local Government & Housing Act 1989
2	Report of any maladministration or injustice where Ombudsman has carried out an investigation.	S5 Local Government & Housing Act 1989
3	Report on resources.	S5 Local Government & Housing Act 1989
4	Nomination of officer(s) as Deputy.	S5 Local Government & Housing Act 1989
5	Receive copies of whistle-blowing allegations of misconduct.	Code of Conduct & public interest disclosure (whistle-blowing) procedures
6(a)	Investigate allegations of breaches of the Member Code of Conduct of councillors at Milton Keynes Council and all Town and Parish Councils in the Milton Keynes area.	<ul style="list-style-type: none"> • Localism Act 2011 chapter 7 • MKC Constitution
6(b)	Advise the Standards Committee in determining allegations of misconduct of councillors under their authority’s Code.	
7	Establish and maintain registers of members’ interests and gifts and hospitality	Localism Act 2011
8	Advice to councillors on interpretation of the Code of Conduct	Code of Conduct.

9	Advising on appropriateness of compensation for maladministration	S92 LGA 2000
10	Advice on vires issues, maladministration, financial impropriety, probity and policy framework and budget issues to all members.	Various Legislation and Case Law

**Corporate Leadership Team
February 2019**



PERSON SPECIFICATION

In this section the Skills, Knowledge, Qualification and Competency requirements to perform the role to a satisfactory standard are set out. The extent, nature and level of the role holder's knowledge and skills should be specified

Awareness some knowledge or skills sufficient to show aptitude and the ability to learn in the particular work area
Significant knowledge and skills gained through practice and/or qualification sufficient to fulfill the role requirements
Extensive knowledge and skills gained through practice and/ or qualification to fulfill the role requirements and contribute to training others and developing policy and practice in the work area

PERSON SPECIFICATION	Examples specific to role	Required		Level			Method of Assessment application form, interview, testing, reference
		Essential	Desirable	Awareness	Significant	Extensive	
SKILLS AND KNOWLEDGE	Practising Solicitor of Barrister	x				x	Application / CV / Interview / Technical Assessment
Technical knowledge and qualifications	Post graduate management qualification or evidence of senior management development	x				x	
	Evidence of continuing professional development	x				x	
	Substantial legal and managerial experience in a comparable organisation	x				x	
	Excellent knowledge and experience of local government law and practice	x				x	
	Evidence of successful contributions to strategic and corporate policies and plans	x				x	
	Experience as a Monitoring Officer or a Deputy Monitoring Officer	x x				x x	
	Thorough understanding of major legislation and policy issues affecting local government particularly corporate governance						

Planning and organising work	Experience of leading and managing a team of professionals	x				x	CV
Planning capacity and resources	Ability to see the big picture, interpret it and develop relevant strategies, plans and deliverables	x				x	Application / CV / Technical Assessment
	Ability to encourage and engender collaborative working between agencies and partners		x				
Influencing and interpersonal skills	Ability to challenge others constructively and to make informed decisions that if challenged can be substantiated	x				x	Interview
	Ability to think strategically across organisational boundaries to provide solutions	x				x	
	Able to relate appropriately and build strong productive relationships with elected members, the local community and outside organisations	x				x	
	Excellent communication skills including strong report writing and presentational skills	x				x	
	Strong and effective interpersonal skills	x				x	
PROBLEM-SOLVING	Strong analytical ability	x				x	CV / Interview /
	Ability to exercise sensitivity and clear judgment and arrive at balanced view	x				x	Technical Assessment
Using initiative to overcome problems	Demonstrate ability to learn from experience and to share that learning through future actions to improve service performance	x				x	
Managing risk	Provide strong governance advice and ensure that statutory obligations are being met.	x				x	Interview
Managing change	Driving and implementing service and organisational improvements	x				x	Interview
	Facilitating organisational, individual and personal learning and development	x				x	

ACCOUNTABILITY and RESPONSIBILITY Undertakes tasks without supervision	Takes personal responsibility for making things happen and achieving desired results	x				x	Interview
Managing people	Strong Management skills and expertise in the use of management information systems to specify and monitor performance	x			x		CV / Interview
	Ability to lead and influence others, set and review priorities, make decisions	x				x	
	Ability to lead by example through the Council's core competency requirements	x				x	
	Able to build and maintain successful relationships, networks and partnerships with a wide range of internal and external organisations	x				x	
Managing financial resources	Possesses financial management and budgetary skills	x				x	Interview / Technical Assessment

COMPETENCIES REQUIRED – All post holders must be able to comply with the Council's core competency requirements, Customer Focus, Communicating and Engaging, Managing Resources and Risk, Organising and Improving Performance, Taking Responsibility, Team Player, and Excellent Leadership

SPOKEN ENGLISH FLUENCY DUTY REQUIREMENT - The ability to converse at ease with members of the public and provide advice in accurate spoken English is essential for this post.

CORPORATE SAFEGUARDING STATEMENT – All post holders must be committed to applying and upholding the Council's Corporate Safeguarding Policy Statement. Specific safeguarding responsibilities should be detailed in this document.

Other information

- Able to travel to meet service delivery requirements
- Available to undertake work outside of normal working hours