

# Chief Officers Appointment Committee

10 April 2024

## Review of Governance Arrangements Durham County Council Statutory Officers



### Ordinary Decision

---

## Report of John Hewitt, Chief Executive Officer, Durham County Council

### Electoral division(s) affected:

Countywide

### Purpose of the Report

- 1 The purpose of this report is to set out details of a change in management reporting for the Head of Legal and Democratic Services to strengthen the council's governance arrangements.

### Executive summary

- 2 The Head of Legal and Democratic Services post incorporates the Council's Monitoring Officer responsibilities and is one of three key Statutory positions with responsibility for the governance of the Council—the other two Statutory positions being the Chief Executive (Head of Paid Service) and Corporate Director of Resources (Section 151 Officer). Together these three statutory posts constitute what is known as the Golden Triangle of competence and professionalism.
- 3 It is good practice to review governance arrangements on a regular basis and more recently, following failures of governance in a number of local authorities, independent studies have observed the changing role of statutory officers and specifically the Monitoring Officer, and have made recommendations on governance arrangements. The most recent reports can be found in the background paper section of this report.
- 4 The report notes the Chief Executive's proposals that the Monitoring Officer (in our case the Head of Legal and Democratic Services) should report directly to the Chief Executive, as part of the Golden Triangle of senior council officers, and that the Monitoring Officer should have a recognised status and position within the top tier of governance in an organisation.

These reviews take account of recent failures in governance in some authorities, and lessons learned from some of those failures.

### **Recommendation(s)**

- 5 Chief Officers Appointment Committee is recommended to:
- (a) Note the report confirms changes to the reporting line for the Head of Legal and Democratic Services and a change in the job title for the post to Director of Legal and Democratic Services for the reasons set out in the report, as well as the post being made a substantive member of the Corporate Management Team.
  - (b) Note there are no financial implications from the changes being implemented.
  - (c) Note that the new arrangements will be implemented from 1 May 2024.

## **Background**

- 6 This report recognises that local government is operating in a context of extreme financial pressure and a challenging political landscape, and that councils need to have governance arrangements in place that are as effective and robust as possible.
- 7 The Head of Legal and Democratic Services currently attends the Corporate Management Team and has direct access to the political leadership of the organisation. There is nothing to suggest that the current arrangements have caused any governance failings, and there are strong and good working relationships between the three key statutory officers who meet on a fortnightly basis to oversee good governance and decision making.

## **Changes being Implemented**

- 8 The Head of Legal and Democratic Services currently reports to the Corporate Director of Resources. The Chief Executive considers that changing the formal reporting line to the Chief Executive coupled with the Head of Legal and Democratic Services becoming a substantive member of CMT will strengthen governance arrangements and ensure the council is following best practice.
- 9 This change in reporting line will mean that the Section 151 Officer and Monitoring Officer have independent reporting lines of each other, and also provide the Monitoring Officer with a direct reporting line to the Chief Executive.
- 10 Whilst making this change, the title of the post of Head of Legal and Democratic Services will also be changed to Director of Legal and Democratic Services, to better reflect the statutory element of the role.
- 11 There are no changes to the duties and responsibilities for the post and the changes do not result in any grading changes for any of the posts identified in the report. The revised arrangements ensure that the structure and reporting lines that are in place for the council's statutory officers continue to be effective and will ensure that the council continues to have robust arrangements in place for its statutory functions which takes account of best practice. The Head of Legal and Democratic Services and Corporate Director of Resources have been consulted on and are both supportive of the proposals. The proposals will take effect from 1 May 2025.
- 12 The Chief Executive has delegated powers to effect this realignment and is sharing the report with the Chief Officer Appointment Committee for information and discussion prior to implementation. The recognised Trade Unions will also be briefed prior to finalising the changes.

## Conclusion

- 13 The report confirms changes made to the reporting line for the Head of Legal and Democratic Services and a change in the job title for the post to Director of Legal and Democratic Services for the reasons set out in the report, as well as the post being made a substantive member of the Corporate Management Team. There are no financial implications from the changes being implemented.

## Background papers

- The Changing Role of the Monitoring Officer  
[The-Changing-Role-of-the-Monitoring-Officer.pdf \(lgiu.org\)](#)
- How can local authority failures be prevented?  
[How can further local authority failures be prevented? \(grantthornton.co.uk\)](#)

## Other useful documents

- None

## Author(s)

John Hewitt

Tel: 03000 268062

---

## **Appendix 1: Implications**

---

### **Legal Implications**

There are no legal implications other than to note the change in reporting line of the Head of Legal Services.

### **Finance**

There are no financial implications arising from the proposals.

### **Consultation and Engagement**

The Head of Legal and Democratic Services and Corporate Director of Resources have been consulted.

### **Equality and Diversity / Public Sector Equality Duty**

No implications identified

### **Climate Change**

No implications identified

### **Human Rights**

No implications identified

### **Crime and Disorder**

No implications identified

### **Staffing**

The report sets out changes to the reporting line and substantive membership of CMT.

### **Accommodation**

No implications identified.

### **Risk**

The report sets out the good governance background to proposals that are being implemented.

### **Procurement**

No implications identified.