

GMCA RESOURCES COMMITTEE

Date: 29 September 2023
Subject: GMCA Deputy Monitoring Officer
Report of: Gillian Duckworth, GMCA Solicitor and Monitoring Officer

PURPOSE OF REPORT:

To seek approval for the establishment of a second post of GMCA Deputy Monitoring Officer within its structure.

SUMMARY:

The key changes are:

- Establishment of an additional post of Deputy Monitoring Officer as a permanent role within the Greater Manchester Combined Authority at a salary of SM5 (£76-£84K).

FINANCIAL IMPLICATIONS:

Revenue cost implications will be met within the existing legal budget

RECOMMENDATIONS:

To approve establishment of a second permanent role of Deputy Monitoring Officer within the GMCA organisational structure.

CONTACT OFFICERS:

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1. BACKGROUND

- 1.1. Members will recall that at the Combined Authority meeting in July 2017 they were asked to approve the establishment of the role of Deputy Monitoring Officer to provide resilience and support to the GMCA Monitoring Officer and in particular to provide expertise in Police, Fire and Crime matters.
- 1.2. The legal work was to be provided by MCC Shared Legal Service rather than employing a legal team at the CA and this arrangement continues.

2. DEPUTY MONITORING OFFICER

- 2.1. This report seeks permission to create an additional post of Deputy Monitoring Officer as a full-time permanent post within the GMCA on the salary of SM5 £76-£84K on NJC terms and conditions in order to provide further resilience and to focus more particularly in supporting GMCA officers to negotiate and deliver GM projects. A role profile for this post is attached for information at Appendix 1.
- 2.2. The bulk of the legal work will continue to be delivered by MCC Legal Shared Service but an additional DMO post will provide a senior lead GMCA legal officer available to provide early advice and collaboration for contracts, grants and projects as required.
- 2.3. The role of Deputy Monitoring Officer with a focus on Police Fire and Crime will continue to exist.
- 2.4. The Deputy Monitoring Officer role is an integral part of the GMCA legal structure. The role is responsible for providing a comprehensive legal advisory service to the GMCA, its committees and officers over the whole range of its current functions. As the range of functions increase the demand for strategic lead advice increases and becomes more diverse, therefore adding a second role reduces risk and increases resilience for the service.

- 2.5. The Deputy Monitoring Officer role will continue to take the lead on managing the legal service level agreement with Manchester City Council. Additionally, the role will continue to take the lead on Fire, Policing and Crime and Scrutiny matters and will attend the Police, Fire and Crime Panel and Scrutiny meetings. Whilst the Monitoring Officer will have ultimate responsibility for the GMCA Legal Services, the Deputy Monitoring Officer roles will deputise as needed.

3. **CONCLUSION**

- 3.1. Leaders are requested to consider and agree the recommendations in the front of this report.

APPENDIX 1

Job Title:	Deputy Monitoring Officer	Date:	September 2023
Reporting Line:	Gillian Duckworth, GMCA Solicitor and Monitoring Officer	Salary:	SM5
Team:	Legal Services	Business Area:	GMCA

JOB PURPOSE

To deputise for the GMCA Solicitor and Monitoring Officer and provide legal advice and support to the various functions and activities of the Greater Manchester Combined Authority.

Key Accountabilities:

- Deputy Monitoring Officer, GMCA (a combined authority of the 10 GM districts)
- Primary legal adviser on a specific area of law relevant to the GMCA which may include the Fire and Policing and Crime functions of the Mayor
- Accountable to the Chief Executive, Monitoring Officer and elected members of GMCA.

DIMENSIONS

- Maintaining a working knowledge of the functions and powers of the GMCA in order to provide strategic co-ordination and advice on cross organisational or inter-organisational working and relationships across GM.
- Maintaining working relationships with internal and external customer groups and strategic partners including:
 - Officers within GMCA and Senior Managers from across GM's public sector and stakeholders/partners including Chief Executives, chief officers and chief legal officers.
 - Elected Members within GMCA including the Mayor and Deputy Mayor.
 - Senior officials in government departments and representatives of the Welsh and Scottish governments.
 - Senior private sector lawyers

KEY RESPONSIBILITIES

1. To lead on business planning and business continuity for the legal team i.e. The sufficiency and appropriateness of the legal team made available to the CA by MCC Shared Service and the appointments of external lawyers to supplement the provision at any given time
2. To advise and maintain an oversight of the governance of CA partnerships both formal and informal in areas such as Transport, the Economy and Growth
3. To provide a comprehensive legal advice service to the GMCA, its committees and officers over the whole range of its current functions, including Fire, Police and Democratic Services.
4. To play a major role in governance involving a range of organisations, including the Government.
5. To identify new powers to enable the Mayor and GMCA achieve its ambition of devolution and continue to be a trailblazer for England and Wales and take a leading role in the negotiations with government.
6. To ensure the legality of all decisions made by the Greater Manchester Combined Authority (GMCA) and to provide legal advice, expertise and representation to the Authority and its Senior Managers.
7. To take a lead role in advising the Mayor and GMCA on high profile matters and complex legal issues
8. To act as the Deputy Monitoring Officer and, in conjunction with the Monitoring Officer to exercise overall responsibility for the execution of democratic processes.
9. To lead on the management of the legal services service level agreement with Manchester City Council.
10. To proactively advise and respond to all requests for legal advice on all areas of law including employment law, procurement law, public and administrative law, Data Protection and Information Law, Health and Safety Law, Civil Litigation and Criminal law in its application to the GMCA.
11. To arrange representation for the GMCA in respect of hearings and charges brought in the Magistrates Court.
12. To represent GMCA at strategic partnership boards
13. To determine the approach to developing new initiatives including designing partnership

arrangements and setting up companies as required

14. To defend claims in the civil courts and tribunals against the GMCA for breach of statutory duty, contract, negligence (including applications for judicial review); and unfair dismissal and preparation of appropriate pleadings; witness statements and bundles of documents where appropriate and to arrange for counsel to be instructed to appear on behalf of the Authority.
15. To draft and review contracts, agreements and other official documentation, for and on behalf of the GMCA, ensuring the Authority is legally compliant and responds effectively to changes in legislation.
16. To monitor and manage expenditure within relevant cost centres.
17. To undertake such other duties as may be reasonably assigned from time to time as are compatible with the above roles.
18. To deputise for the Monitoring Officer as needed.

KNOWLEDGE, SKILLS AND EXPERIENCE

- A sophisticated understanding of complex governance arrangements across a number of statutory bodies, including the means of legal delegation between different legal entities.
- Detailed knowledge and understanding of Local Government and Fire and Police legislation and its application within the GMCA.
- In depth knowledge of democratic governance and decision-making including the constitution of the GMCA including the financial regulations, officer delegations, conduct of Members and officers and lawful decision-making.
- Excellent relationship building with internal and external stakeholders including Senior Government officials, Chief Executive's and Leaders.
- A qualified lawyer of several years standing and experience of all areas of local government law and public sector law.
- Legal knowledge which is both wide and specialist.
- Experience of managing the provision of legal services.

- Detailed knowledge of local government and other public sector structures.
- Understanding of the national and local policy context for local government.
- Ability to represent GMCA effectively in a variety of forums.
- Political understanding and sensitivity.
- Ability to think strategically and laterally.
- Analytical skills.
- Creative ability to solve legal problems and find innovative solutions.
- Ability to stand firm with strong resistance when legal advice might not be appreciated, whilst always seeking to find an alternative solution to the issue.
- Intellectual rigour with attention to detail.
- Communication skills both in writing and orally with a range of audiences.
- Commercial understanding.
- Ability to work collaboratively.
- Ability to draft complex legal documents.