

APPOINTMENT OF STATUTORY OFFICERS

Executive Summary

This report deals with management arrangements resulting from the resignation of the Director of Legal and Democratic Services.

These matters include the appointment of a Deputy Electoral Registration Officer, Data Protection Officer and Monitoring Officer.

Recommendations

The Council is requested to:

RESOLVE That

- (i) Gareth John, Interim Director of Legal and Democratic Services designate, be appointed as Monitoring Officer, Deputy Electoral Registration Officer and Data Protection Officer with effect from 3rd April 2023;
- (ii) Kevin Foster, Strategic Director of Corporate Resource, be appointed as Senior Information Risk Owner (SIRO) with immediate effect; and
- (iii) Louise Strongitharm, Strategic Director of Communities, be appointed as Caldicott guardian with immediate effect.

The Council has the authority to determine the recommendations set out above.

Background Papers:	None.
Reporting Person:	Joanne McIntosh, Director of Legal and Democratic Services Email: joanne.mcintosh@woking.gov.uk, Extn: 3038
Contact Person:	Joanne McIntosh, Director of Legal and Democratic Services Email: joanne.mcintosh@woking.gov.uk, Extn: 3038
Portfolio Holder:	Councillor Ann-Marie Barker Email: cllrann-marie.barker@woking.gov.uk
Shadow Portfolio Holder:	Councillor Ayesha Azad Email: cllrayesha.azad@woking.gov.uk
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Appointment of Statutory Officer

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1.0 Introduction

1.1 Joanne McIntosh, Director of Legal and Democratic Services, leaves the Council's employment on 2 April 2023. Gareth John, Legal Services Manager, has been appointed Interim Director of Legal and Democratic Services with effect from 3 April 2023.

1.2 This report deals with matters consequential on these changes.

2.0 Summary of Roles

Monitoring Officer	<p>The Monitoring Officer has the specific duty to ensure that the Authority, its officers and its Elected Councillors, maintain the highest standards of conduct in all they do. The main duties of the Monitoring Officer are.</p> <ol style="list-style-type: none">1. To report on matters they believe are, or are likely to be, illegal or amount to maladministration;2. To be responsible for matters relating to the conduct of Councillors and officers; and3. To be responsible for the operation of the Constitution.
Deputy Electoral Registration Officer (ERO)	<p>Officer appointed to deputise for the Electoral Registration Officer if necessary. The electoral registration officer (ERO) has the statutory duty to compile and maintain the electoral register, which includes conducting the annual canvas.</p>
Data Protection Officer	<p>The primary role of the data protection officer (DPO) is to ensure that the Authority processes the personal data of its staff, customers, providers or any other individuals (also referred to as data subjects) in compliance with the applicable data protection rules.</p>
Senior Information Risk Manager (SIRO)	<p>A SIRO is a professional who has responsibility for implementing and managing information risks within the organisation. The SIRO role is mandatory for public sector organisations and organisations which are contracted to deliver services under the NHS Standard Contract. The SIRO has oversight of information risks within the Authority and will advise on how to mitigate the risk in accordance with the Authority's risk appetite.</p>
Caldicott Guardian	<p>A Caldicott Guardian is a senior person responsible for protecting the confidentiality of people's health and care information. They make sure that the personal information about those who use the Authority's services is used legally, ethically and appropriately, and that confidentiality is maintained. Local authorities which provide social services must have a Caldicott Guardian.</p>

3.0 Deputy Electoral Registration Officer

3.1 The Chief Executive is formally designated as the Council's Electoral Registration Officer. As a matter of good practice, the Council should appoint another Officer as Deputy Electoral Registration Officer. It is proposed that this should be Gareth John, Interim Director of Legal and Democratic Services who has management responsibility for the Elections team, is appointed to the role from 3rd April 2023.

4.0 Monitoring Officer

- 4.1 The Council is required to appoint a Monitoring Officer under Section 5 of the Local Government and Housing Act 1989 to carry out certain statutory functions. These relate to effective governance and ensuring that the Council operates lawfully and fairly in its decision making.
- 4.2 The Director of Legal and Democratic Services is the Council's Monitoring Officer. She has appointed Gareth John as her deputy.
- 4.3 It is recommended that Gareth John be appointed as the Council's Monitoring Officer with effect from 3 April 2023. Gareth John possesses the necessary qualifications and experience to undertake this role.

5.0 Data Protection and Information Governance

- 5.1 In order to comply with its obligations under the General Data Protection Regulation (GDPR) and the Data Protection Act 2018, the Council is required to have a Data Protection Officer. Joanne McIntosh was appointed as the Council's Data Protection Officer July 2021. It is recommended that Gareth John be appointed Data Protection Officer with effect from 3rd April 2023.
- 5.2 Joanne McIntosh currently holds the position of SIRO and Caldicott Guardian. Although permitted, current guidance recommends that these positions are not held by the same person. It is recommended that Kevin Foster, Strategic Director of Corporate Resource is appointed as SIRO and that Louise Strongitharm, Strategic Director of Communities is appointed as Caldicott Guardian.

6.0 Scheme of Delegations

- 6.1 The recent management changes will require the Scheme of Delegations to be updated to reflect where delegations now sit. As there are no changes to the extent of the delegations, the update can be done by the Monitoring Officer.

7.0 Conclusion

- 7.1 The above appointments shall ensure that the Council has experienced officers appointed to the roles to ensure continuing oversight and provision of these statutory functions.

8.0 Corporate Strategy

- 8.1 Appointments to the statutory roles shall ensure that the Council continues to deliver its priorities.

9.0 Implications

Finance and Risk

- 9.1 Interim arrangements and support to backfill the post shall be met out of existing budgets.

Equalities and Human Resources

- 9.2 There are no specific implications which arise from this report.

Legal

- 9.3 Making the appointments recommended in this report will ensure that the Council complies with its legal obligations.

10.0 Engagement and Consultation

10.1 Not applicable to the content of the report.

REPORT ENDS