

<b>Report to</b>	<b>BRECON BEACONS NATIONAL PARK AUTHORITY</b>
<b>Date</b>	<b>20 July 2022</b>
<b>By</b>	<b>Chief Executive</b>
<b>Title of Report</b>	<b>Appointment of Monitoring Officer and Data Protection Officer</b>
<b>Item 7</b>	<b>For Decision</b>

**Recommended decision:** The appointment of Mr Marc Ronan as the Authority's Monitoring Officer and Data Protection Officer with immediate effect.

## 1. Introduction

- 1.1. Both the Monitoring Officer (MO) and Data Protection officer positions are statutory posts, meaning the appointment must be confirmed by the full Authority.
- 1.2. Between April 2019 and July 2021 MO services were provided through a 13-hour per week, fixed term contract by Mr O'Connor. The MO advised the former CEO that 13 hours a week was insufficient to discharge the responsibilities of the post. Whilst a 12-month extension to the MO's contract, and an increase to 18.5 hours / week was agreed by the Authority in February 21, the temporary nature and hours offered were not sufficient to address the duties of the MO. The Authority subsequently approved the appointment of a 12-month fixed term MO role which has since been extended to March 31, 2023.
- 1.3. Following a selection process Mr Ronan was appointed MO and DPO and has continued in post since his appointment in July 2021. Mr Ronan is also the Authority's Solicitor (General Counsel) appointed by the Chief Executive under the Scheme of Delegation.
- 1.4. After consultation with the Chair and Deputy Chair it is proposed to appoint Mr Ronan as the MO and DPO to the Brecon Beacons National Park Authority as a permanent appointment with immediate effect. Mr Ronan is an experienced specialist Local Authority Solicitor, MO and DPO with over 15 years' experience in Local Government and the role sits well alongside the workload as the Authority's solicitor.
- 1.5. The appointment of a Deputy MO (DMO) is at the discretion, and a personal appointment, of the MO. It is Mr Ronan's intention, if appointed as the MO, to continue with the appointment of Mr Sean O'Connor as DMO. Mr O'Connor is Wokingham Borough Council's Head of Legal Service and has experience of the MO role.

## 2. Role of the Monitoring Officer

- 2.1. The requirement to appoint a Monitoring Officer, and the functions of the Monitoring Officer, are set out in section 5 of the Local Government and Housing Act 1989 (LGHA 1989), as amended by schedule 5, paragraph 24 of the Local Government Act 2000.
- 2.2. The Authority is required to designate one of its officers as a 'monitoring officer' and 'to provide that officer with such staff, accommodation and other resources as are, in their opinion, sufficient to allow those duties to be performed'.
- 2.3. The Monitoring Officer may be the Head of an Authority's Paid Service but cannot be its Chief Finance Officer.
- 2.4. The duties of the Monitoring Officer include:
  - Reporting to the Authority in any case where the Monitoring Officer is of the opinion that any proposal or decision of the Authority has or is likely to give rise to any illegality or maladministration.
  - Responsibility for matters relating to the conduct of members and officers, including investigations into allegations about the conduct of members; and
  - Responsibility for the operation of the Authority's Constitution.
- 2.5. The first two duties are specific statutory requirements: the remainder flow from them.

## 3. Role of the Data Protection Officer

- The DPO is involved in all issues which relate to the protection of personal data.
- The duties of the DPO are to inform and advise the Authority of its obligations, to monitor compliance, provide training and awareness training of the Authorities obligations.
- The DPO acts as the contact point with the regulator and has regard to risks associated with processing personal data.

## 4. Financial implications

- 4.1. Salary costs will be funded from within the existing approved staffing budget.

## 5. Legal and Governance Considerations

- 5.1. Section 5(1)(a) of the Local Government & Housing Act 1989 states that: "It shall be the duty of every relevant authority to - designate one of their officers (to be known as "the monitoring officer") as the officer responsible for the duties imposed by this section"
- 5.2. Section 4 of the General Data Protection Regulation requires the Authority to identify a senior officer responsible to take on the role of Data Protection Officer

- 5.3. These appointments may only be exercised by the full Authority. The Scheme of Delegation states at Section A2.2(5) the powers of the Authority include:

*“To appoint the Chief Executive, Directors, Monitoring Officer, Section 151 Officer and Data Protection Officer in accordance with the relevant legislation”*

6. Risk and Policy Considerations

- 6.1. The appointment of a Monitoring Officer and Data protection Officer are statutory requirements.
- 6.2. The appointment will enable the Authority to retain an experienced staff member who has the confidence of staff, the Executive Board the Deputy Chair and Chair of the Authority.
- 6.3. The separation of the role from the Chief Executive as Head of Paid Service also enables there to be a degree of independence of perspective. Mr Ronan is a member of the Authority’s Executive Board.