

LLG GOVERNANCE CONFERENCE

10 November 2023

Day 1 Plenary Programme

09.30 – 09.40 **Conference Welcome**
Rachel McKoy, LLG President

09.40 – 10.25 **Session 1: Section 114s: Lessons for Monitoring Officers to implement following recent public interest reports and the growing number of interventions by the Secretary of State**

Speakers Paul McDermott, Partner, Trowers & Hamlins
Daniel Fenwick, Monitoring Officer Liverpool City Council

Chair Rachel McKoy, LLG President

The Secretary of State's has increased his use of inspections and interventions where he has decided that a council has failed in its best value duties. Financial pressure on the sector is likely to increase this unwelcomed trend. In this session Rachel McKoy will chair the session and what we anticipate will be lively audience participation. Paul McDermott will set out the Secretary of State's powers to act and pull out some key messages about avoiding governance failure identified in inspection reports. Daniel Fenwick, Director of City Law and Governance at Liverpool City Council will provide is invaluable insight in working to turn around an authority which has been intervened in. Importantly including practical tips on how to improve governance and keep people motivated.

10.25 – 11.15 **Refreshment Break**

Anthony Collins
solicitors

Weightmans

SHARPE PRITCHARD

WOMBLE
BOND
DICKINSON

Capsticks

Bevan Brittan 

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Greenburgh & Co

11.15 – 12.00

Session 2: Public Interest Reports: Leadership, Culture & the Golden Triangle

- Speakers Guy Clifton, Grant Thornton
 Andrew Burns, CIPFA
 Helen McGrath, Executive Director of Policy and Governance, LLG
- Chair Helen Bradley, LLG Monitoring Officer National Lead and Head of Legal and Democratic Services and Monitoring Officer, Durham Council

The catastrophic failure of a local authority is no longer the rare event that it once was. Grant Thornton’s experience of Value for Money audits shows that whilst every set of circumstances appears unique there are many common causes, symptoms, and consequences. In this session, Grant Thornton, LLG and CIPFA explore the lessons learned from failure in local government, and why the many safeguards currently in place have not operated effectively. We will equip you to understand who has both the power and the ability to act and what steps you can take to reduce the risk of failure in your local authority.

12.00 – 12.45

Session 3: Public Interest Reports: To issue or not to issue – that is the question?

- Speakers Suki Binjal, Belvedere Legal Ltd
 Mark Greenburgh, Greenburgh & Co
- Chair Paul Turner, LLG Deputy Vice President and Director of Legal and Assurance and Monitoring Officer at Essex County Council

Speaking with knowledge gained from practical experience this session will consider an overview of the relevant legal framework whilst discussing the practicalities of the legislation, the process of issuing statutory reports including the relationships between the three ‘principle statutory officers. The session will also consider other practical alternatives to issuing statutory reports – when is it the right time to issue.

12.45 – 13.45 **Lunch Break**

13.45 – 14.30 **Session 4: The Great Unknown - Non-Statutory Inquiries**

Speakers Henry Bermingham, Weightmans
David Hollis, Monitoring Officer, Sheffield City Council

Chair Fiona Anthony, LLG Director and Solicitor, Practice and Development Manager at NPLaw

The Public has increasingly come to see Independent Inquiries as a way of finding the truth about controversial events, or public authority failures. The past decade has seen a succession of statutory Inquiries, of which the ongoing Covid-19 Inquiry is the latest. At a more local level, this trend pressurises Local Authorities to hold their own local Inquiries into local issues. These sit outside the Inquiries Act and require Local Authorities to create their own processes. Two recent examples of non-statutory local Inquiries were the Telford CSE Inquiry and the Sheffield Street Trees Inquiry. This session will look at how non-statutory inquiries are set up and run from a governance perspective. It will cover the advantages of inquiries, the pitfalls and what to expect if your Authority decides to hold one. Our speakers both acted on the Sheffield Street Trees Inquiry and will share their experiences of non-statutory inquiries.

14.30 – 15.15 **Session 5: Generative AI- opportunities for local authority lawyers and the delivery of public services**

Speaker Kirsten Maslan, Thomson Reuters

Chair Deborah Evans, CEO LLG

This session will be an in-depth exploration of how data science and artificial intelligence can be used to solve problems within local government, looking at opportunities and implications for the delivery of legal services. It will explain



exactly what generative AI is, and how it differs from other AI technologies. Importantly, it will look at implications for the wider society and the public sector, touching on ethics and workforce management.

15.15 – 15.45 Refreshment Break

15.45 – 16.30 Session 6: The Future of the Monitoring Officer

Speakers Peter Ware, Brown Jacobson
Andrew Walker, LGiU
Helen Bradley, LLG Monitoring Officer National Lead and
Head of Legal and Democratic Services and Monitoring Officer,
Durham Council

Chair Helen McGrath, Executive Director of Policy and Governance,
LLG

Councils have never been in a riskier position than they are today. In this context, the officer most responsible for managing and understanding the risks authorities face, the Monitoring Officer (MO), should be one of the most important figures in the council. At this time, MO's need their protection against increasing risk to be enhanced, not reduced. MO's, together with section 151 officers and chief executives - the golden triangle, are crucial for protecting councils and the essential public services they deliver; their role has never been more important. In this session, the LGiU, Browne Jacobson and LLG deliver their research paper which explores the changing landscape of what it means to be a MO in 2023; the impediments, challenges, frustrations and importantly, the changes required to enable MO's to speak truth to power, uphold ethical governance, and prevent failings within their authority.



16.30 – 17.15 Session 7: A framework for improvement and assurance in local government

Speaker Heather Wills, LGA

Chair Aneeka Muneer, LLG Vice President and Principal Solicitor,
Litigation at The Borough Council of Calderdale

Delegates will be briefed on the outcome of engagement with the sector earlier in the year about a draft framework for improvement and assurance. Plenary discussion will explore aspects of the current framework which require strengthening or simplification, and priorities for related support to councils.

17.15 Conference Close

Rachel McKoy, LLG President
Aneeka Sarwar, LLG Vice President
Paul Turner, LLG Deputy Vice President

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Day 1 Breakout Programme

Available to in-person attendees only

11.15 – 11.45 **Session 1: Getting the best from external lawyers**

Speakers Claire Ward, Anthony Collins
Stuart Evans, Anthony Collins
Emma Lloyd, Anthony Collins

Does the thought of picking up the phone to an external law firm fill you with dread because the external lawyer will not understand your Council and what is going on; you will have to rework the advice to be able to deliver it;

The bill will not represent value for money; and you haven't got time to instruct them? These are common worries Claire, Emma and Stuart had at times when working in house. This session will provide some learning from them and skills that will help you not dread picking up the phone, get the best from your external lawyers and deliver a seamless service.

12.15 – 12.45 **Session 2: The Equal Pay Survival Guide (2023 edition)**

Speaker Lorraine Heard, Legal Director and Head of the Equal Pay Team, WBD

Equal pay is once again hitting the headlines and, following the decision of the Employment Tribunal in Fife, many local authorities are receiving union-backed grievances and FOI requests as a possible precursor to claims. You are invited to join Lorraine Heard from Womble Bond Dickinson for a workshop session which will provide insight from recent and key cases to enable you to assess the risk facing your authority, as well as practical hints and tips on dealing effectively with any equal pay challenges you receive.

13.45 – 14.15 Session 3: Standards and the Code of Conduct for Junior Lawyers

Speakers Lisa Kirkman, VWV
 Allison Cook, VWV

This session will introduce the standards regime and code of conducts for Councillors. As well as setting out the statutory basis we will also explore the reasons why having a standards regime is so important and some of the challenges Local Government lawyers face with political behaviours on their doorstep.

14.45 – 15.15 Session 4: Code of guidance for statutory governance officers

Speakers Philip McCourt, Bevan Brittan

This session will address the drafting of a new set of practice standards and guidance document for the operation of the monitoring officer, chief finance officer and head of paid service.

LLG, CIPFA and Solace regularly discuss issues of shared concern together. The focus of that, as ever, is how to promulgate best practice in the workings of the golden triangle and their incredibly difficult roles to ensure good governance, financial stability and high ethical standards. In the light of the upsurge in public interest reports, the issuing of s.114 reports and the government looking at new best value guidance and assurance frameworks, the three organisations are proposing for the first time to issue a shared code. For LLG, this will replace or support the Monitoring Officer Protocol and handbook and, for CIPFA, will become an enforceable professional standard.

This closed session for monitoring officers and deputy monitoring officers will be the first chance to discuss these standards and guidance and what it is to contain.

15.15 – 15.45 Refreshment Break

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15.45 – 16.15 Session 5: Opportunities for judicial appointment

Speaker Tim Smith, BCLP Law

The judiciary is constantly looking for talented lawyers to join its ranks. Local government lawyers have experience and skills that would equip them well for a role in the Courts and Tribunals. In this session we will explore the many opportunities for part-time and full-time judicial appointment as well as taking a look at the elements of the appointment process.

We hope you have an enjoyable day!

The LLG Team

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