

BOROUGH OF REIGATE AND BANSTEAD

COUNCIL MEETING 27th SEPTEMBER 2018

ADDENDUM TO AGENDA

Agenda Item 7

RECOMMENDATIONS

The report on the Recommendations of the Employment Committee (29 August 2018) and the Executive (13 September 2018) is attached.

COUNCIL – 27th SEPTEMBER 2018

RECOMMENDATIONS OF THE EMPLOYMENT COMMITTEE

**Minute/
Page No.**

APPOINTMENT OF MONITORING OFFICER

Employment
Committee

29th August
2018

18/64-66

The committee considered the report of the Chief Executive, detailing the Council's duty to appoint a Monitoring Officer and the requirements of the position. A full list of the position's responsibilities and delegated powers was attached as an annex to the report. Mr John Jones left the meeting for the duration of the discussion regarding his potential appointment as interim Monitoring Officer.

The committee noted Mr Jones' experience in a range of governance and legal roles. It was noted that Mr Jones would be in post on an interim basis, and therefore would only be in a position to fulfil the role of Monitoring Officer for this interim period. The Leader and Chief Executive indicated that they believed Mr Jones would be well suited to fulfil the role.

The committee agreed to recommend to Council that Mr Jones be appointed as the Council's interim Monitoring Officer, to cover the period until such time as a permanent appointment was made. It was noted that this recommendation would be considered by Full Council on 26 September. Following this agreement, Mr Jones re-joined the meeting for the subsequent discussion.

The committee discussed and considered the future requirements for the permanent Head of Legal Services and Monitoring Officer roles, to ensure that the holder(s) of these roles would be best able to support the requirements and objectives of the Council. The committee also discussed the general future governance requirements of the Council which might be associated with the work of these roles.

It was identified that there was a desire for the Council's governance work to drive excellence in decision making, by supporting committees and councillors to make the best decisions possible in an effective and transparent manner. It was identified that it was therefore hoped that future holders of senior governance roles would be able to support the Council acting in a proactive and coordinated manner in these areas.

It was identified that in order to best deliver the Council's governance ambitions, strong leadership would be required from both Members and officers to support these objectives. It was

Employment
Committee

29th August
2018

18/64-66
continued

identified that holders of senior governance roles would need to have awareness of both legal requirements and the demands of local governance, the ability to effectively advise Members and officer around contentious issues, including when this advice might be contrary to existing preferences, and the ability to consider both the strategic and operational priorities of the role.

It was noted that a range of options were being considered for the delivery model of the Council's legal services activities, but that any supported options would be required to ensure that the Council was able to deliver a high quality service, and that appropriate resourcing was provided to deliver this objective. It was noted that not all elements of the Council's legal activities would need to be undertaken in-house in order to support an effective service. It was identified that it was hoped that the permanent Head of Legal Services would be able to engage with the development of the Council's legal services team, within the framework established to best deliver the Council's objectives.

It was noted that the Employment Committee's role included the consideration of the appointment of the Head of Paid Service and Statutory Officers of the Council. The Leader of the Council requested a meeting with the Interim Head of Legal Services regarding the workings of the Committee.

RECOMMENDED that, in accordance with Section 5 of the Local Government and Housing Act 1989, Mr John Jones be confirmed as the Council's Monitoring Officer on an interim basis, until such a time as a permanent appointment has been made.

Reason for decision: To comply with the requirements of the Local Government & Housing Act 1989 (as amended).

Alternative Options: To appoint another Officer of the Council.

RECOMMENDATIONS OF THE EXECUTIVE

**Minute/
Page No.**

**HOUSING ENFORCEMENT POLICY AND AMENDMENTS TO
THE OFFICER SCHEME OF DELEGATION**

Executive
13th
September
2018
36/76-77

Councillor J.E. Durrant, Executive Member for Community Safety, introduced the report concerning a new Housing Enforcement Policy and some additions to the Officer Scheme of Delegation.

It was highlighted that a new Housing Enforcement Policy had been prepared to complement, and to sit alongside, the existing Environmental Health and Licensing Enforcement Policy. Councillor Durrant explained that this included options for the enforcement of housing standards, primarily in the private rented sector. It was noted that these included a number of new powers which could be used when regulating against criminal landlords and the licensing of Homes in Multiple Occupation (HMO's).

The Executive Member explained it was necessary to have a clearly stated policy on how various enforcement options, including both criminal and civil sanctions, would be applied. It was recognised that this would support all stakeholders as the policy would provide clear expectations on how housing standards related enforcement work would be undertaken. In addition, it was highlighted that this would increase confidence in the process.

In terms of the amendments to the Officer Scheme of Delegation, it was explained that to enable the practical day-to-day functioning of a local authority, the Council could delegate its powers to committees, officers and others.

It was noted that the Officer Scheme of Delegation, set out in the Council's Constitution, delegated various powers and functions to senior officers, usually at Head of Service level. The importance of officers' delegated authority being clearly documented and evidenced was highlighted as this would ensure any enforcement action could be shown to be appropriately authorised. In response to questions, Cllr Durrant explained amendments to the scheme were required in order to incorporate new legislation, to ensure all necessary enforcement powers could be utilised.

During the discussion a number of matters were considered, including:

- The multiple regulatory requirements for fire safety in rented properties, including questions relating to sprinkler systems.
- Various issues, previously discussed by the Executive in

Executive
13th
September
2018

36/76-77
continued

September 2017, concerning the possibility of establishing a private rented landlords register.

- The importance of signposting and providing clear information to help tenants know when they were dealing with a reputable landlord.

The Executive Member for Community Safety confirmed that further information on each of these points would be provided via a written response.

RECOMMENDED that additions to the Officer Scheme of Delegation contained within the Council's Constitution, set out in Annex 2 of the report of the Director of Place in relation to Section 5 (Housing and other Residential Accommodation), be approved.

RESOLVED that the Housing Enforcement Policy, provided at Annex 1 to the report of the Director of Place, be approved.

Reason for decision: A documented housing enforcement policy was required to ensure clear and consistent enforcement decisions were taken in relation to the enforcement of housing standards. The Officer Scheme of Delegation should be kept up-to date. For that purpose it was necessary to add newly introduced legislation to ensure all necessary enforcement powers could be utilised.

Alternative options: To reject the recommendations and/or request amendments to the Annexes.