



REPORT OF:	CHIEF EXECUTIVE
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TO:	COUNCIL
DATE:	12 DECEMBER 2013

WARD (S) AFFECTED:	None
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SUBJECT:	APPOINTMENT OF INTERIM MONITORING OFFICER
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RECOMMENDATION:

1. To appoint Michael Graham as the Interim Monitoring Officer for the Council with immediate effect;
2. That a report be brought forward to review the appointment no later than June, 2014

REASONS FOR RECOMMENDATIONS:

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

EXECUTIVE SUMMARY:

This report invites the Council to appoint an Interim Monitoring Officer in accordance with statutory requirements pending a permanent appointment to the post.

STATUTORY POWERS

1. Under Section 5 of the Local Government & Housing Act 1989 (as amended), the Council has a duty to appoint a Monitoring Officer.
2. The Monitoring Officer has a number of statutory duties and responsibilities relating to the Council's Constitution and our arrangements for effective governance. These duties include maintaining the Constitution, ensuring that no decision or omission of the Council is likely to give rise to illegality or maladministration and promoting high standards of conduct. A full list of the Monitoring Officer's responsibilities and delegated powers is included within the Councils' Constitution.
3. Article 13(b) of the Constitution provides that it is the responsibility of full Council to designate the Monitoring Officer. Employment Procedure Rules state that the appointment should be on the recommendation of the Employment Committee. However, this provision is linked to the permanent appointment of Chief Officers

and Heads of Service and this temporary appointment is not at that level and the Officer concerned remains an employee of Spelthorne Borough Council although he will have a contractual relationship with this Council. The matter is therefore being brought direct to the Council for decision.

BACKGROUND

4. Following the decision of the Legal Services Manager to leave the Council the position of Monitoring Officer is vacant. Neither the Head of Paid Service nor the Chief Finance Officer can hold the position of Monitoring Officer. Most Councils appoint their most senior legal officer as their Monitoring Officer although this is not a specific requirement.
5. Pending a review of the service and a permanent appointment, arrangements have been put in place for Mr. Michael Graham, the Head of Corporate Governance at Spelthorne Borough Council to provide leadership and management of the Council's Legal Services. It is also proposed that Mr. Graham should be appointed as the Council's Monitoring Officer on an interim basis. It is anticipated that once appointed, Mr. Graham will appoint Margaret Quine (Head of Corporate Services) and Gavin Handford (Corporate Governance and Policy Manager) as his Deputy Monitoring Officers.
6. It is anticipated that this arrangement will not last more than 6 months and a further report will be brought to the June 2014 Council meeting or earlier, if appropriate.

OPTIONS

7. The options are either:
 - to appoint Mr. Michael Graham as the Interim Monitoring Officer - this is the recommended option;
 - to appoint another Officer of the Council - this is not recommended and will lead to delay in putting in place suitable arrangements; or
 - not to appoint a Monitoring Officer - this is not recommended and would leave the Council in breach of its statutory duty.

LEGAL IMPLICATIONS

8. There are no additional legal implications other than those set out in the report.

FINANCIAL IMPLICATIONS

9. Financial provision for the additional support will be met from existing revenue budgets.

EQUALITIES IMPLICATIONS

10. There are no specific equalities implications arising from this report.

CONSULTATION

11. The Leader and Deputy Leader of the Council and Councillor J. M Ellacott (as the Chairman of both the Standards Committee and Employment Committee) have been consulted on this report and are due to meet with Mr. Graham in advance of the meeting.

POLICY FRAMEWORK

12. There are no policy implications.

Background Papers: None