

COUNCIL – 2nd NOVEMBER 2017

RECOMMENDATION OF THE EMPLOYMENT COMMITTEE

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APPOINTMENT OF MONITORING OFFICER

The Committee received the report from the Chief Executive following the Council's decision in April 2017 to appoint Mr Gavin Handford as Interim Monitoring Officer for a period of six months to allow for the position to be reviewed.

The Committee noted that the appointment of a Monitoring Officer was a statutory requirement (under the Local Government and Housing Act 1989) which had a number of duties and responsibilities relating to the Council's Constitution and our arrangements for effective governance. An extract from the Constitution detailing the duties of the role was tabled at the meeting.

The Committee noted some of the achievements that Mr Handford had made in this interim period, in managing this role, together with the extensive experience that he had continued to provide in supporting Members and the Corporate Governance responsibilities of the Council. This included:

- Interim Monitoring Officer since April 2017;
- Deputy Monitoring Officer at Reigate & Banstead since Autumn 2013, providing regular training and reports on a range of matters;
- Head of Service with responsibility for Legal Services, Democratic Services and Member support;
- Frequent advice on Constitutional and legal framework matters to support the Council's decision making;
- Leading the Council's Corporate Governance Group activities;
- Advice and guidance on code of conduct and Member training and development matters;
- Ensuring that the Council's lawfulness and fairness in decision making was managed carefully by advising the Head of Paid Service and Chief Finance Officer on matters of good governance;
- Implementing a Legal services review that was recognised as strengthening its depth, quality and resilience to ensure that the Council had the professional advice and support required to support Council services;
- Stabilising the legal service to a level that was considered to be the best it had been in recent years by utilising a model of joint Team Leaders (Lawyers) with separate responsibility for Litigation & Commercial and Property & Planning (one of whom had been appointed as a Deputy Monitoring Officer);

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- Managing the legal service to ensure that where in house expertise was not available that relevant external advice was available to provide timely advice on matters; and
- Providing support and guidance on the complexities around the establishment of Local Authority Trading Companies and their supporting governance arrangements.

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It was noted that it was a requirement for the appointment of the Monitoring Officer to be on the recommendation of the Employment Committee. Following a Member question it was confirmed that the position could not be held by the Head of Paid Service or the Chief Finance Officer and that there was no statutory requirement for this position to be held by a legally qualified Officer.

The Committee noted the extensive experience that Mr Handford brought to this role together with the progress that had been made in his role as Head of Legal Services. The Committee noted that the new structure that had been put in place was still settling in within the authority and acknowledged the excellent progress that had been made. However the Committee considered that a further period of settlement was required before it could make a recommendation to make the position permanent and therefore, following discussion, the Chairman moved an amendment to the Recommendation and it was:

RECOMMENDED that, in accordance with Section 5 of the Local Government and Housing Act 1989, Mr Gavin Handford, be confirmed as the Council's Monitoring Officer for a further interim period until the end of the 2017/18 Municipal Year to allow the Committee to review the position again during and at the end of that period as necessary.

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.