



<b>REPORT OF:</b>	CHIEF EXECUTIVE
<b>AUTHOR:</b>	Gavin Handford, Corporate Policy & Governance Manager
<b>TELEPHONE:</b>	01737 276027
<b>E-MAIL:</b>	<a href="mailto:gavin.handford@reigate-banstead.gov.uk">gavin.handford@reigate-banstead.gov.uk</a>
<b>TO:</b>	EMPLOYMENT COMMITTEE
<b>DATE:</b>	13 MAY 2014

<b>WARD (S) AFFECTED:</b>	None
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<b>SUBJECT:</b>	<b>APPOINTMENT OF MONITORING OFFICER</b>
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**RECOMMENDATION:**

**That in accordance with Section 5 of the Local Government and Housing Act 1989, Mr Michael Graham, be confirmed as the Council's Monitoring Officer.**

**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 a Monitoring Officer in accordance with statutory requirements. Council appointed Mr Graham as the Interim Monitoring Officer in December 2013, subject to a review no later than June 2014.

**The above recommendation is subject to agreement of Council**

**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. Neither the Head of Paid Service nor the Chief Finance Officer can hold the position of 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.

## BACKGROUND

4. Following the decision of the previous Legal Services Manager to leave the Council in Autumn 2013, the Council appointed an interim Monitoring Officer; Mr Michael Graham. The appointment was temporary whilst a review of the service and arrangements was undertaken. Council resolved to review the appointment no later than June 2014.
5. Separately, Mr Graham was appointed as the interim Legal Services Manager. The role was shared through an agreement with Spelthorne Borough Council, who employ Mr Graham as Head of Corporate Governance. Although employed by Spelthorne Borough Council, Mr Graham also has a contractual relationship with Reigate & Banstead Borough Council.
6. Mr. Graham appointed Gavin Handford (Corporate Policy & Governance Manager) as his Deputy Monitoring Officer.

## SHARED ARRANGEMENTS

7. Where appropriate, the Council is increasingly sharing resources with other local authorities. Shared arrangements are in place to support specialist areas such as procurement, emergency planning and health & safety. This provides a cost effective way to employ specialist and highly skilled staff.
8. The shared arrangements within Legal Services have been working well. A review of the service has been undertaken and a range of improvements to practices and procedures introduced.
9. It is considered that there are further opportunities for legal services in Reigate & Banstead and Spelthorne to work together, sharing systems, advice and skills. This can best be achieved by continuing a shared management model.
10. The Council has reached agreement with Spelthorne Borough Council to extend the shared arrangements indefinitely, and on an equal basis. Mr Graham will continue to be employed by Spelthorne Borough Council, but a formal agreement to appoint him as the permanent Legal Services Manager has been agreed.
11. As a result, it is recommended that Mr Graham's appointment as Monitoring Officer also be confirmed.

## OPTIONS

12. The options are either:
  - to appoint Mr. Michael Graham as the Monitoring Officer - this is the recommended option;
  - to appoint another Officer of the Council - this is not recommended as there are advantages to appointing the senior legal expert as Monitoring Officer; or

- to extend the temporary appointment of a Monitoring Officer – this is not recommended as it does not provide the security of a permanent appointment.

#### **LEGAL IMPLICATIONS**

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

#### **FINANCIAL IMPLICATIONS**

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

#### **EQUALITIES IMPLICATIONS**

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

#### **CONSULTATION**

16. The Leader and Deputy Leader of the Council and Councillor J. M Ellacott (as the Chairman of the Standards Committee) have been consulted on this report.

#### **POLICY FRAMEWORK**

17. There are no policy implications.

**Background Papers:** None