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18 April 2018

**To the Members of the EMPLOYMENT COMMITTEE**

Councillors: R. Renton (Chairman),  
M. A. Brunt R. Mill  
J. M. Ellacott J. C. White

**Substitutes**

**Councillors:**  
**Conservatives:** N. J. Bramhall, V. W. Broad, K. Foreman, L. R. Hack,  
A. C. J. Horwood, G. J. Knight and T. Schofield  
**Residents Group:**  
**Liberal Democrat:**  
**Green Party:**

**A G E N D A**

For a meeting of the **EMPLOYMENT COMMITTEE** to be held on **THURSDAY, 26 APRIL 2018** at **6.00 pm** in the Front Committee Room, Town Hall.

John Jory  
Chief Executive

**1. MINUTES**

(Pages 5 - 8)

To confirm as a correct record the Minutes of the meeting held on Thursday, 19<sup>th</sup> October, 2017

**2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

To receive any apologies for absence and notification of any substitute Members in accordance with Procedure Rules.

**3. DECLARATIONS OF INTEREST**

To receive any Declarations of Interest.

**4. APPOINTMENT OF MONITORING OFFICER**

(Pages 9 - 12)

This report invites the Council to appoint a Monitoring Officer in accordance with statutory requirements.

**5. ANY OTHER URGENT BUSINESS**

To consider any item(s) which, in the opinion of the Chairman, should be considered as a matter of urgency - Local Government Act 1972, Section 100B(4)(b).

**(NOTE: Under Committee Procedure Rule 17, items of urgent business must be submitted in writing but may be supplemented by an oral report).**

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## **BOROUGH OF REIGATE AND BANSTEAD**

### **EMPLOYMENT COMMITTEE**

Minutes of a meeting of the Employment Committee held at the Town Hall, Reigate on Thursday, 19th October 2017 at 6.30 p.m.

Present: Councillor Mrs R. Renton (Chairman – in the chair for Minutes 2 - 7); Councillors J.M. Ellacott, Mrs R. Mill and J. White.

Also present: Councillor V.W. Broad.

1. **ELECTION OF CHAIRMAN**

**RESOLVED** that Councillor Mrs R. Renton be elected Chairman of the Committee for the Municipal Year 2017/18.

2. **ELECTION OF VICE-CHAIRMAN**

**RESOLVED** that Councillor M.A. Brunt be elected Vice-Chairman of the Committee for the Municipal Year 2017/18.

3. **MINUTES**

**RESOLVED** that the Minutes of the meeting held on 11th May 2017 be approved as a correct record and signed.

4. **APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Councillor M.A. Brunt.

5. **DECLARATIONS OF INTEREST**

None.

6. **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 5 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);
- 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.

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.

7. **ANY OTHER URGENT BUSINESS**

None.

**The meeting closed at 7.20 p.m.**

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# Agenda Item 4

Employment Committee  
26 April 2018

Agenda Item: 4  
Appointment of Monitoring Officer



Reigate & Banstead  
BOROUGH COUNCIL  
Banstead | Horley | Redhill | Reigate

<b>REPORT OF:</b>	CHIEF EXECUTIVE
<b>AUTHOR:</b>	Tom Borer, Democratic Services Officer
<b>TELEPHONE:</b>	01737 276000
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<b>TO:</b>	EMPLOYMENT COMMITTEE
<b>DATE:</b>	26 April 2018

<b>WARD (S) AFFECTED:</b>	None
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<b>SUBJECT:</b>	<b>APPOINTMENT OF MONITORING OFFICER</b>
<b>RECOMMENDATION:</b> 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.	
<b>REASONS FOR RECOMMENDATIONS:</b> To comply with the requirements of the Local Government & Housing Act 1989 (as amended).	
<b>EXECUTIVE SUMMARY:</b> This report invites the Council to appoint a Monitoring Officer in accordance with statutory requirements.	

**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. There is no statutory requirement for the position to be held by a legally qualified 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. On 13 April 2017 the Council approved a recommendation of the Employment Committee and appointed Mr Gavin Handford as Interim Monitoring Officer for a period of six months.
5. On 2 November 2017, the Council approved a recommendation of the Employment Committee and confirmed Mr Gavin Handford as Interim Monitoring Officer for a further 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.
6. This second period is drawing to an end and the Employment Committee is therefore requested to make a further recommendation on the appointment of the Monitoring Officer.
7. Prior to the appointment of Mr Handford, the Council had operated with a Legal Services partnership with Spelthorne BC. This included a shared Monitoring Officer. However, the shared service ceased on 31 March 2017 and Reigate & Banstead reverted to a separate service, with Mr Handford as the Head of Service.
8. Mr Handford has extensive experience supporting Members and the Corporate Governance responsibilities of the Council, including
  - Interim Monitoring Officer since April 2017
  - Deputy Monitoring Officer at Reigate & Banstead since Autumn 2013, providing regular training and reports on a wide 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);
  - 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.
9. During the interim appointment, Mr Handford has provided advice and guidance on a range of matters, including decision making, code of conduct and Member training

and development. The legal services team has been reviewed and strengthened to ensure the Council has the professional advice and support it requires across a range of legal areas. Feedback from clients across the Council has been very positive.

10. It is therefore recommended that Mr Handford be appointed as the Council's permanent Monitoring Officer with immediate effect.

### **OPTIONS**

11. The options are either:
  - to appoint Mr. Gavin Handford as the Monitoring Officer - this is the recommended option; or
  - to extend the appointment of Mr Handford as Interim Monitoring Officer; or
  - to appoint another Officer of the Council - this is not recommended as there are advantages to appointing the Head of Service with responsibility for legal and democratic services as Monitoring Officer.

### **LEGAL IMPLICATIONS**

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

### **FINANCIAL IMPLICATIONS**

13. There are no financial implications arising from the report.

### **EQUALITIES IMPLICATIONS**

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

### **CONSULTATION**

15. The Leader and Deputy Leader of the Council have been consulted on this report.

### **POLICY FRAMEWORK**

16. There are no policy implications.

**Background Papers:** Employment Committee 19 October 2017 - Appointment of Monitoring Officer

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