

Employment Committee Agenda



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

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20 August 2018

To the Members of the EMPLOYMENT COMMITTEE

Councillors:

M. A. Brunt
J. E. Durrant
J. M. Ellacott

N. D. Harrison
Mrs. R. Mill

Substitutes

Conservatives:

Councillors:

R. H. Ashford, Mrs. N. J. Bramhall, K. Foreman,
A. C. J. Horwood, E. Humphreys, G. J. Knight and T. Schofield

Residents Group:

Mrs. J. S. Bray, R. Harper and M. J. Selby

For a meeting of the **EMPLOYMENT COMMITTEE** to be held on **WEDNESDAY, 29 AUGUST 2018** at **7.00 pm** in the Executive Meeting Room - Town Hall.

John Jory
Chief Executive

1. APPOINTMENT OF CHAIRMAN

To appoint the Chairman of the Committee for the municipal year 2018-19.

2. APPOINTMENT OF VICE-CHAIRMAN

To appoint the Vice-Chairman of the Committee for the municipal year 2018-19.

3. MINUTES

(Pages 5 - 8)

To confirm as a correct record the minutes of the meeting held on 26 April 2018.

4. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

To receive any apologies for absence and notification of substitutes in accordance with the Constitution.

5. DECLARATIONS OF INTEREST

To receive any declarations of interest.

6. APPOINTMENT OF MONITORING OFFICER

(Pages 9 - 14)

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

7. 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 26th April 2018 at 6.00 p.m.

Present: Councillor Mrs R. Renton (Chairman); Councillors M.A. Brunt, J.M. Ellacott and Mrs R. Mill.

8. **MINUTES**

RESOLVED that the Minutes of the meeting held on 17th October 2017 be approved as a correct record and signed.

9. **APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Councillor J. White.

10. **DECLARATIONS OF INTEREST**

None.

11. **APPOINTMENT OF MONITORING OFFICER**

The Committee received a report from the Chief Executive, following the Council's decision in November 2017 to extend the appointment of Mr Gavin Handford as Interim Monitoring Officer 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).

The Committee received a report on the work that Mr Handford had undertaken in his role as Interim Monitoring Officer since he was appointed into that position in April 2017 and an update on the extensive activities that he had undertaken, particularly in the period since the Committee last considered the matter in October 2017.

The Chief Executive paid tribute to the extremely difficult and testing activities that Mr Handford had managed during this period with an extensive range of complex matters that required his advice to ensure that the Council had been able to continue to deliver its priorities. The Committee noted that the forthcoming work programme for the Monitoring Officer included reporting to the Executive on a review of the Governance structure to reflect the requirements and changing needs of the Council's democratic fabric; a review of the Council's commercial governance activities as agreed by the Executive in March 2018 and supporting the Council to deliver the key objectives within its 5 Year Plan. The report before the Committee recommended the appointment of Mr Handford as the Council's Monitoring Officer on a permanent basis.

Councillor Mrs. R. Renton, Chairman of the Committee, reported that the Monitoring Officer had made an informal presentation to Members of the Committee recently that demonstrated the work that had been achieved in settling the new Legal Services team into the organisation. It was noted to have been a helpful opportunity to review the work that Mr Handford had undertaken in his Monitoring Officer role since undertaking this Interim position in April 2017.

Councillor Mrs Renton also advised the Committee that Councillor White, who had excused himself from the meeting, had indicated that he was minded to support the appointment of Mr Handford into the position of Monitoring Officer for a further interim period whilst the Council considered other longer term recruitment options available. Councillor White also observed the importance of the Monitoring Officer role maintaining a neutral and consistent approach.

Members recognised the range of contributions that Mr Handford had continued to provide to the Council in his role as Head of Legal Services and Monitoring Officer. The volume of work that had been addressed in this period had been significant and the Chief Executive informed the Committee of the constraints on Mr Handford's capacity to undertake other development opportunities such as:

- a structured development review of the operation of the Monitoring Officer service from a member perspective;
- shadowing Monitoring Officers at other authorities; or
- undertaking additional specific training on the role (as discussed by the Chairman following the October 2017 meeting of the Committee).

Members considered that it would prove beneficial to the Council as a whole if a recruitment campaign was undertaken as soon as possible, to establish a wider range of options open to the Committee.

In the circumstances the Committee reviewed the Options presented in the report and considered that, to provide greater capacity within the organisation and to provide Members with more choice, that the Option to reappoint Mr Handford for a further interim period as Monitoring Officer be recommended whilst (in parallel) undertaking a recruitment campaign. The Committee noted that the recent experience of recruitment for positions in the legal services had been challenging as the competition with private sector packages available restricted the range and volume of interest.

Members also noted the importance of establishing their key aspirations for the member aspects of the role going forward. This included the potential development opportunities for the Council by reviewing the person specification, key behaviours and job summary for the position of Monitoring Officer linked appropriately with the desired outcomes from the member aspects of the role. Members noted that there would be financial implications to be considered for the proposed recruitment of an external appointment to the role of Monitoring Officer and that these would need to be the subject of further consideration when that information was available.

It was therefore **RECOMMENDED** that:

(i) in accordance with Section 5 of the Local Government and Housing Act 1989, Mr Gavin Handford, be confirmed as the Council's interim Monitoring Officer (confirming his acting role) until such time as a successor was appointed and in post;

(ii) in parallel with recommendation (i) above the Council undertake a recruitment campaign for the position of permanent Monitoring Officer;

(iii) in preparation for the recruitment campaign referenced at recommendation (ii) above a review of the person specification, key behaviours and job summary for the role of permanent Monitoring Officer be considered by the Committee (informally) in advance of the recruitment campaign beginning; and

(iv) the Head of the Paid Service keep the Members of the Committee appraised of progress and, if it appeared that the conclusion of the recruitment campaign referenced at (ii) and (iii) above, to appoint a permanent successor to the role of Monitoring Officer, was likely to take longer than the next 6 months, then a further meeting of the Committee be convened to discuss next steps.

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.

12. **ANY OTHER URGENT BUSINESS**

None.

The meeting closed at 7.02 p.m.

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Agenda Item 6

Employment Committee
29 August 2018

Agenda Item: 4
Appointment of Monitoring Officer



Reigate & Banstead
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REPORT OF:	CHIEF EXECUTIVE
AUTHOR:	Tom Borer, Democratic Services Officer
TELEPHONE:	01737 276000
E-MAIL:	tom.borer@reigate-banstead.gov.uk
TO:	EMPLOYMENT COMMITTEE
DATE:	29 August 2018

WARD (S) AFFECTED:	None
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SUBJECT:	APPOINTMENT OF INTERIM MONITORING OFFICER
RECOMMENDATION: That in accordance with Section 5 of the Local Government and Housing Act 1989 that Council be asked to confirm the appointment of Mr John Jones, as the Council's Interim Monitoring Officer until such time a permanent appointment has been made.	
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.	

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 (attached at Annex 1).

3. Article 13(3) 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. The Council ended a Legal Services Partnership with Spelthorne BC on 31 March 2017. Following the end of this shared service, the existing Head of Legal Services and Monitoring Officer remained with Spelthorne BC, and therefore ceased to fulfil these roles for the Council.
5. Following this, the Head of Corporate Policy & Performance, and Deputy Monitoring Officer, Mr Gavin Handford, operated as Head of Legal and fulfilled the Monitoring Officer role until the confirmation of a new appointment.
6. From 13 April 2017, Mr Gavin Handford was appointed, and subsequently reappointed, as interim Monitoring Officer for periods from 13 April 2017, 2 November 2017 and 26 April 2018, following Council approval of recommendations by the Employment Committee.
7. Mr Gavin Handford will be departing the Council as of 31 August 2018 and the Employment Committee is therefore requested to make a further recommendation on the appointment of the Monitoring Officer.
8. The Council has recently recruited a new interim Head of Legal, Mr John Jones who is also managing the Democratic Services and Electoral Services Teams.
9. Mr Jones has extensive experience, at a senior level, both in providing legal support for Local Authorities, and in supporting the Corporate Governance functions of Councils in the following roles:
 - Head of Corporate Law and Deputy Monitoring Officer at a County Council.
 - Head of Legal, Democratic and Regulatory Services, Monitoring Officer and Returning Officer at a District Council
 - Head of Law and Governance, Monitoring Officer and Returning Officer at a Unitary Council
 - Director of Corporate Services for an NHS Foundation Trust
 - He worked with a London Borough Council delivering business transformation programmes
 - He was seconded to work with a foreign government to review its governance arrangements
 - He has sat on government working groups and contributed to the work of a Commons Select Committee
10. Mr Jones will be in post on an interim basis, and will therefore only be in a position to fulfil the role of Monitoring Officer for this interim period.
11. It is therefore recommended that Mr Jones be appointed as the Council's interim Monitoring Officer and to cover the period until such time as a permanent appointment has been made.
12. This proposal is subject to Recommendation to Full Council on 26 September 2018. In the event that the Committee support the recommendation Mr Jones would be able to undertake the Monitoring Officer duties in an advisory capacity until the matter has been considered by Full Council. In the interim period both Mari

Roberts-Wood and Kuldip Chana are existing Deputy Monitoring Officers who can cover any eventualities arising in this period.

13. Progress in preparing the Job Description and Person Specification for the permanent Head of Legal Services and Monitoring Officer roles is well underway. If these are available in time for the meeting drafts will be shared with Members for comments at this stage. If they are not available then there will be a verbal update on their progress and the arrangements for Members to consider them further will be proposed.

OPTIONS

14. The options are either:
 - to appoint Mr John Jones as the Monitoring Officer;
 - to appoint Mr John Jones as the Monitoring Officer on an interim basis - this is the recommended option; 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

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

FINANCIAL IMPLICATIONS

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

EQUALITIES IMPLICATIONS

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

CONSULTATION

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

POLICY FRAMEWORK

19. There are no policy implications.

Background Papers: None

Annex 1

Extract from the Constitution: Functions of the Monitoring Officer

Maintaining the Constitution

- 1.1.1 The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is available to Members, staff and the public.

Ensuring Lawfulness and Fairness of Decision Making

- 1.1.2 After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council (or to the Executive decision maker in relation to an Executive function) if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

Supporting the Standards Committee

- 1.1.3 The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

Conducting Investigations on Alleged Breaches of the Member Code of Conduct

- 1.1.4 The Monitoring Officer will conduct investigations in accordance with the adopted arrangements and make reports in respect of them as appropriate to the Standards Committee.

Proper Officer for Access to Information

- 1.1.5 The Monitoring Officer will ensure that Executive decisions, together with the reasons for those decisions and relevant Officer reports and background papers are made publicly available as soon as possible.

Advising whether Executive Decisions are within the Policy Framework and Budget

- 1.1.6 The Monitoring Officer after consultation with the Chief Finance Officer, as appropriate, will advise whether Executive decisions are in accordance with the budget and policy framework.

Providing Advice

- 1.1.7 The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors.

Restrictions on Posts

- 1.1.8 The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

Complaints

- 1.1.9 The Monitoring Officer will act as the Corporate Complaints Officer.

Deputy Monitoring Officers

- 1.1.10 The Monitoring Officer may appoint one or more Deputies to undertake their responsibilities in his/her absence,

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