



REPORT OF:	CHIEF EXECUTIVE
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TO:	EMPLOYMENT COMMITTEE
DATE:	26 April 2018

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

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