

Proposal to Continue the Agreement with Elmbridge Borough Council to Share the Monitoring Officer Function

Summary

The Committee is asked to consider the proposal as set out in this report.

Recommendation

The Committee is advised to RESOLVE that the arrangements for sharing a Monitoring Officer with Elmbridge Borough Council continue for a further 6 months.

1. Background

- 1.1. At the October 2020 Employment Committee meeting, the Committee resolved to recommend to Full Council the appointment of Gavin Ramtohal as the shared Monitoring Officer for the Council and Elmbridge Borough Council. This was on the basis that the initial agreement would be for a trial period of 6 months to provide both Councils with the opportunity to assess whether the arrangement is working and whether they wish to continue. The Committee also recommended to Full Council that completion of the agreement is delegated to the Executive Head of Transformation.
- 1.2. Clause 9 of the Contract provides as follows

“The term of this Agreement shall be six months initially from and including the Commencement Date whereupon it may be terminated by either Authority without notice. If not terminated, the Agreement shall continue from month to month until ended by either Authority giving not less than one month’s notice of termination to the other.”
- 1.3. At the October 2020 Full Council meeting, the Council accepted the recommendations.
- 1.4. The Monitoring Officer is satisfied that the agreement is working well and, as far as he is aware, Elmbridge Borough Council is satisfied with the arrangement. However, there is a short term impact due to market related difficulties recruiting legal staff into vacant posts. Two recruitment exercises have failed to appoint a property solicitor and that post remains vacant. The impact of this has been less delegation and hence this would need to be kept under review, particularly if these difficulties persist post onshoring of the JPUT. The flexibility regarding termination should accommodate these concerns moving forwards and legal services is working with HR regarding future recruitment and options.
- 1.5. Due to the issues highlighted in paragraph 1.4, the stated benefits of developing staff knowledge and experience by more delegation have not yet materialised.

2. The proposal

- 2.1. The Committee is advised to resolve to continue the contract as permitted by the existing contract on a rolling basis. This would mean that the contract would continue from May 2021 until either Council decides to end the contract by giving the other at least one month's notice. Continuation with the arrangement accords with the Council's direction to drive more efficiencies through partnership working. Any decision to continue with the shared Monitoring Officer is also subject to Elmbridge BC agreeing to continue with the arrangement.
- 2.2. The Committee is asked to note the concerns outlined in paragraph 1.4.

3. Options

- 3.1. The Committee can endorse the recommendation that the arrangements for sharing a Monitoring Officer with Elmbridge Borough Council continue for a further 6 months.
- 3.2. Alternatively, the Committee has the option to recommend to Full Council that the Contract is terminated with the effect that the arrangement would terminate.

4. Legal and Governance implications

- 4.1. Section 1.10 of the Committee's terms of reference confirms "*To consider any recommendations for senior management restructures and make recommendations to the Full Council.*"
- 4.2. The arrangement would continue to take effect under section 113 of the Local Government Act 1972.

Annexes None

Background Papers: None

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