



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

Council

30 September 2021

Report of: Councillor Linda Wootten

Cabinet Member for Corporate
Governance



Designation of Monitoring Officer

This report provides the Council with the opportunity to consider the designation of the Council's Monitoring Officer.

Report Author

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Corporate Priority:	Decision type:	Wards:
High Performing Council	Administrative	All Wards

Reviewed by:	Graham Watts, Deputy Monitoring Officer	8 September 2021
Approved by:	Karen Bradford, Chief Executive	13 September 2021
Signed off by:	Councillor Linda Wootten, Cabinet Member for Corporate Governance	13 September 2021

Recommendation (s) to the decision maker (s)

1. That Council designates Alan Robinson, Deputy Chief Executive, as South Kesteven District Council's Monitoring Officer from 30 September 2021.

1 The Background to the Report

- 1.1 Section 5 (1) of the Local Government and Housing Act 1989 requires the Council to designate an officer as the Council's Monitoring Officer. The Monitoring Officer may not be the Council's Chief Finance (Section 151) Officer nor the Head of Paid Service (Chief Executive).
- 1.2 The Monitoring Officer has statutory duties and responsibilities relating to the Council's constitution and its arrangements for effective governance. These duties include:
- Maintenance of the Constitution
 - To ensure the lawfulness of decision making
 - Responsibility for matters relating to Councillor Conduct
 - The registration of Members' interests
- 1.3 The Council's former Monitoring Officer, the Assistant Director of Law and Governance, left the employment of South Kesteven District Council on 31 August 2021.
- 1.4 The terms of reference for the Employment Committee provides for the Employment Committee to make a recommendation to the Council on the selection of a Monitoring Officer. Full Council will consider the Committee's recommendation and the designation to the role of Monitoring Officer on 30 September 2021.
- 1.5 The above duties and responsibilities have been carried out by the Deputy Monitoring Officer in the interim, with this being the earliest opportunity for the Employment Committee, and subsequently Full Council, to recommend and designate one of the Council's officers as Monitoring Officer.
- 1.6 The Employment Committee at its meeting on 22 September 2021 recommended that Alan Robinson, Deputy Chief Executive, be recommended for designation as the Council's Monitoring Officer.

Consultation and Feedback Received, Including Overview and Scrutiny

- 1.7 The Employment Committee is required to consider making a recommendation to Council on the designation of the Council's Monitoring Officer. The Employment Committee met on 22 September 2021.

2 Available Options Considered

- 2.1 Option 1 – That Alan Robinson, Deputy Chief Executive, be recommended for designation as the Council's Monitoring Officer.

Option 2 – That another officer of the Council be recommended for designation as the Council's Monitoring Officer.

Option 3 – That Legal Services Lincolnshire be commissioned to provide this service for South Kesteven District Council.

3 Preferred Option

- 3.1 Option 1. Alan Robinson currently holds the position of Deputy Chief Executive and is part of the Council's Corporate Management Team. He was previously the Monitoring Officer at West Lindsey District Council and successfully carried out this role for eight years prior to commencing employment with South Kesteven District Council, therefore demonstrating

he has the required knowledge and experience to undertake the role for South Kesteven District Council.

4 Reasons for the Recommendation (s)

- 4.1 To ensure that the Council is compliant with the requirements of the Local Government and Housing Act 1989 to designate an officer as the Council's Monitoring Officer.

5 Next Steps – Communication and Implementation of the Decision

- 5.1 The recommendation will be implemented with immediate effect.

6 Financial Implications

- 6.1 There are no financial implications arising from this report.

Financial Implications reviewed by: Richard Wyles, Section 151 Officer

7 Legal and Governance Implications

- 7.1 Legal and governance implications are set out in the body of the report.

Legal Implications reviewed by: Graham Watts, Deputy Monitoring Officer

8 Equality and Safeguarding Implications

- 8.1 There are no equality or safeguarding implications arising from this report.

9 Risk and Mitigation

- 9.1 The functions of the Monitoring Officer are currently discharged by a Deputy Monitoring Officer. The Council is required to appoint a Monitoring Officer to fulfil this function.

10 Community Safety Implications

- 10.1 Not applicable.

11 How will the recommendations support South Kesteven District Council's declaration of a climate emergency?

Not applicable.