



SOUTH
KESTEVEN
DISTRICT
COUNCIL



Council

26 January 2023

Report of Councillor Linda Wooten,
Cabinet Member for Corporate
Governance and Licensing

Designation of Interim Monitoring Officer

Report Author

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Purpose of Report

To provide Full Council with an opportunity to consider the designation of the Council's Monitoring Officer.

Recommendations

That Council designates Graham Watts, Assistant Director of Governance and Deputy Monitoring Officer, as South Kesteven District Council's Monitoring Officer from 26 January 2023 until further notice on an interim basis.

Decision Information

Does the report contain any exempt or confidential information not for publication?

No

What are the relevant corporate priorities?

High performing Council

Which wards are impacted?

All

1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

Finance and Procurement

- 1.1 A £5,000 per annum honorarium is paid to the Monitoring Officer and a £2,500 per annum honorarium is paid to the Deputy Monitoring Officer as special responsibility payments attributed to Statutory Officers and their deputies, as set out in the Council's Pay Policy Statement.
- 1.2 The current Deputy Monitoring Officer is already in receipt of the £2,500 per annum honorarium which would increase to £5,000 upon his designation as Monitoring Officer. A new Deputy Monitoring Officer would require appointing which then attracts an additional £2,500 per annum honorarium. Consequently, this interim arrangement would incur an overall additional cost of £5,000 per annum.

Completed by: Richard Wyles, Chief Finance Officer

Legal and Governance

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

Completed by: Mandy Braithwaite, Legal Executive

2. Background to the Report

- 2.1 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).
- 2.2 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

- 2.3 The Council's Monitoring Officer, the Deputy Chief Executive, is currently on long term sick leave.
- 2.4 Given the statutory nature of the position, it is considered appropriate to designate an Interim Monitoring Officer in the Deputy Chief Executive's absence.
- 2.5 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.
- 2.6 Full Council will consider the Committee's recommendation and the designation to the role of Monitoring Officer on 26 January 2023.
- 2.7 The above duties and responsibilities have been carried out by Graham Watts, Assistant Director of Governance and 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 with full powers.
- 2.8 It is recommended that Graham Watts, Assistant Director of Governance and Deputy Monitoring Officer, be designated as the Council's Monitoring Officer on an interim basis until further notice.

3. Key Considerations

- 3.1 Graham Watts, Assistant Director of Governance and Deputy Monitoring Officer, has 23 years' experience in local government governance and has acted as the Council's Deputy Monitoring Officer since his employment with the Council in May 2021. His previous authorities include East Lindsey District Council, Boston Borough Council, the City of Lincoln Council, Lincolnshire County Council and South Cambridgeshire District Council where he played a key role in providing constitutional and legislative advice relating to Council meeting procedures and decision-making, as well as providing advice in respect of the Councillor Code of Conduct and registration and declaration of interests by Councillors. He was previously Deputy Monitoring Officer at South Cambridgeshire District Council and provided specific constitutional support relating to Council meeting procedure rules and the Councillor Code of Conduct to the Monitoring Officer at the City of Lincoln Council.
- 3.2 In his time as Deputy Monitoring Officer for South Kesteven District Council, Mr Watts has played a fundamental part in the comprehensive review of the Council's Constitution and consistently provides clear and sound constitutional and procedural advice to Councillors and Officers, whether directly or at the Council's public meetings. He assisted in the implementation of the Council's new Councillor Code of Conduct and associated training for Councillors, has led assessments

and investigations into alleged breaches of the Councillor Code of Conduct and also line-manages the Council's Legal Services Team.

- 3.3 Taking the above into account, Graham Watts has demonstrated he has the required knowledge and experience to undertake the role for South Kesteven District Council.

4. Other Options Considered

- 4.1 Option 1 – That Graham Watts, Assistant Director of Governance and Deputy Monitoring Officer, be recommended for designation as the Council's Monitoring Officer on an interim basis, until further notice.
- 4.2 Option 2 – That another officer of the Council be recommended designation as the Council's Monitoring Officer.
- 4.3 Option 3 – That Legal Services Lincolnshire be commissioned to provide this service for South Kesteven District Council.

5. Reasons for the Recommendations

- 5.1 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

6. Consultation

- 6.1 The Employment Committee is required to consider making a recommendation to Council on the designation of the Council's Monitoring Officer and considered this report at its meeting on 18 January 2023.
- 6.2 The Employment Committee agreed with the recommendation set out in this report.