



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**



Full Council

28 September 2023

Report of Councillor Philip Knowles,
Cabinet Member for Corporate
Governance and Licensing

Designation of Monitoring Officer

Report Author

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Purpose of Report

To provide Full Council with an opportunity to designate an officer to the statutory position of Monitoring Officer.

Recommendations

That Graham Watts, Assistant Director of Governance, be designated as South Kesteven District Council's Monitoring Officer with immediate effect.

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Does the report contain any exempt or confidential information not for publication?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 as a special responsibility payment attributed to Statutory Officers.

Completed by: Richard Wyles, Chief Finance Officer

Legal and Governance

- 1.2 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 former Monitoring Officer, who also held the position of Deputy Chief Executive, was on sick leave from the end of December 2022 and has since left the authority having retired through ill-health.
- 2.4 Another vacancy has arisen on the Council following the departure of the Assistant Director of Operations and Public Protection.

- 2.5 Taking into account these two significant vacancies, the Chief Executive has taken the opportunity to review her management structure to ensure that it is fit for purpose and meets the needs of the organisation. This restructure is in the process of a six-week consultation.
- 2.6 Given the statutory nature of the Monitoring Officer designation, the Chief Executive considers it appropriate for the Council to appoint a permanent Monitoring Officer now as opposed to waiting for her management re-structure to reach its conclusion.
- 2.7 The officer designated as Monitoring Officer will be expected to attend weekly meetings of the Council's Corporate Management Team and will report directly to the Chief Executive.
- 2.8 At its meeting on 26 January 2023, Full Council appointed Graham Watts as the Council's Monitoring Officer on an interim basis until further notice.
- 2.9 The above duties and responsibilities, set out in paragraph 2.2, have therefore been carried out by Graham Watts, Assistant Director of Governance, in the interim.
- 2.10 The Employment Committee met on 6 September 2023 and recommended that Graham Watts, Assistant Director of Governance, be designated as the Council's Monitoring Officer on a permanent basis.

3. Key Considerations

- 3.1 Graham Watts, Assistant Director of Governance, 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 until January 2023 when he was appointed Monitoring Officer on an interim basis. 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 and has led assessments and investigations into alleged breaches of the Code.

- 3.3 As interim Monitoring Officer, Mr Watts has continued to provide essential support and advice to the Chief Executive, Corporate Management Team, senior officers and elected members. He has responsibility in his Assistant Director role for the Council's Legal Services Team and is the client lead for the Council in respect of its involvement with the Legal Services Lincolnshire Partnership.
- 3.4 Taking the above into account, it is considered that Graham Watts has demonstrated he has the required knowledge and experience to undertake the role of Monitoring Officer for South Kesteven District Council.

4. Other Options Considered

- 4.1 Option 1 – That Graham Watts, Assistant Director of Governance, be recommended for designation as the Council's Monitoring Officer.
- 4.2 Option 2 – That another officer of the Council be recommended for 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.
- 4.4 Option 4 – That another third-party appointment be sought 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. It undertook this requirement at its meeting on 6 September 2023.