



**Council**

**Monday 12 April 2021**

**Subject: Appointment of Monitoring Officer**

Report by:

Chief Executive

Contact Officer:

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(Interim)  
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Purpose / Summary:

To make an appointment to the Statutory post of Monitoring Officer for West Lindsey District Council

**RECOMMENDATION(S):**

It is recommended that

- (a) In accordance with the terms of Part I, 5 of the Local Government and Housing Act 1989 (as amended) and all subsequent related legislation, Mr James O'Shaughnessy be appointed as the Council's Monitoring Officer, with immediate effect.
- (b) The Constitution be amended, as necessary, to reflect this revised appointment.

## IMPLICATIONS

### **Legal:**

The Council has a statutory duty to appoint to the position of Monitoring Officer

### **Financial : FIN/149/21/TJB**

There are no financial implications from this report.

### **Staffing :**

(N.B.) Where there are staffing implications the report **MUST** have a HR Ref

### **Equality and Diversity including Human Rights :**

### **Data Protection Implications :**

### **Climate Related Risks and Opportunities :**

### **Section 17 Crime and Disorder Considerations :**

### **Health Implications:**

### **Title and Location of any Background Papers used in the preparation of this report:**

Wherever possible please provide a hyperlink to the background paper/s  
If a document is confidential and not for public viewing it should not be listed.

### **Risk Assessment :**

**Call in and Urgency:**

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

**Yes**

**No**

**Key Decision:**

A matter which affects two or more wards, or has significant financial implications

**Yes**

**No**

## 1 Background

- 1.1 The role of Monitoring Officer is a Statutory Officer, which Council has a duty to appoint to.
- 1.2 The role of Monitoring Officer is currently assigned to Mr Alan Robinson, Director of Corporate Services, and has been since 2013.
- 1.3 Council will be aware that Mr Robinson is due depart the authority on 31 March, to take up a position with South Kesteven District Council.
- 1.4 Due to the departure of the current post holder, it is essential that a new appointment is made immediately.

## 2. Regulations

### 2.1 Monitoring Officer

#### 2.3.1 *Part I, section 5 of the Local Government and Housing Act 1989*

- (i) It shall be the duty of every relevant authority –
  - (a) to designate one of their officers (to be known as “the monitoring officer”) as the officer responsible for performing the duties imposed by this section; and
  - (b) to provide that officer with such staff, accommodation and other resources as are, in his opinion, sufficient to allow those duties to be performed;

and the officer so designated may be the head of the authority’s paid service but shall not be their chief finance officer.

This was later amended in the *Local Government Act 2000 Schedule 5 (24)* as:

- 3) 1a) The officer designated under subsection (1) above by a relevant authority to which this subsection applies may not be the head of that authority’s paid service
- 1b) Subsection (1a) above applies to the following relevant authorities in England and Wales –
  - (a) a county council;
  - (b) a county borough council;
  - (c) a district council;
  - (d) a London borough council;
  - (e) a Greater London Authority; and

- (f) the Common Council of the City of London in its capacity as a local authority, police authority or post health authority.

### **3. Proposed Recommendations**

It is recommended that

- (a) In accordance with the terms of Part I, 5 of the Local Government and Housing Act 1989 (as amended) and all subsequent related legislation, Mr James O'Shaughnessy be appointed as the Council's Monitoring Officer, with immediate effect.
- (b) The Constitution be amended, as necessary, to reflect this revised appointment.