

13 April 2016 at 7.00 pm

Conference Room, Argyle Road, Sevenoaks
Despatched: 04.04.16



Governance Committee

Membership:

Chairman, Cllr. Pett; Vice-Chairman, Cllr. Ms. Tennessee
Cllrs. Dr. Canet, Clack, Layland and London

Agenda

	Pages	Contact
Apologies for Absence		
1. Minutes To agree the Minutes of the meeting of the Committee held on 20 October 2015, as a correct record.	(Pages 1 - 4)	
2. Declarations of Interest Any interest not already registered		
3. Actions from the previous meeting (if any)		
4. Electoral Review for Sevenoaks District Council - Members Survey	(Pages 5 - 14)	Christine Nuttall Tel: 01732 227245
5. Appointment of Monitoring Officer	(Pages 15 - 18)	Christine Nuttall Tel: 01732 227245
6. Work Plan	(Pages 19 - 20)	

EXEMPT INFORMATION

At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public.

If you wish to obtain further factual information on any of the agenda items listed above, please contact the named officer prior to the day of the meeting.

Should you need this agenda or any of the reports in a different format, or have any other queries concerning this agenda or the meeting please contact Democratic Services on 01732 227247 or democratic.services@sevenoaks.gov.uk.

GOVERNANCE COMMITTEE

Minutes of the meeting held on 20 October 2015 commencing at 7.00 pm

Present: Cllr. Pett (Chairman)

Cllr. Ms. Tennessee (Vice Chairman)

Cllrs. Dr. Canet, Clack, Layland, London and Ms. Tennessee

Cllrs. Eyre, Firth and Grint were also present.

8. Minutes

Resolved: That the minutes of the meeting of the Governance Committee held on 13 July 2015 be approved and signed as a correct record.

9. Declarations of Interest

No additional declarations were made.

10. Actions from the previous meeting

There were none.

11. Governance Review with Invitation Speaker

The Chairman welcomed Cllr. Fran Wilson, Leader of Maidstone Borough Council to the meeting.

Councillor Wilson described to the Committee her experience at Maidstone Borough Council since they had agreed to move to the committee system of governance one year before. She suggested that the move had been decided upon as a majority of councillors had felt powerless under the previous Cabinet system. She believed that the new arrangements allowed for greater participation as the role previously played by Cabinet members was now carried out by service committees. As a Leader of a council with No Overall Control she said that she did not have the same powers as she would have had under a Cabinet system. They had agreed that the Leader would automatically be chairman of the Policy & Resources Committee, which controlled the budget, but that for each service committee the vice chairman must be from a different party to the chairman.

In responding to Members' questions she advised that the rewriting of the constitution had been cross-party with an outside consultant meeting with the Chief Executive and each party leader. She stated that the change-over was broadly cost-neutral but would supply figures to the Committee outside of the meeting. She did not feel that there were more meetings under the Committee system as, although there were more formal

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Governance Committee - 20 October 2015

committee meetings, Cabinet members would often have had more frequent informal meetings with Officers.

Councillor Wilson advised that even if she had had a political majority she would still have been in favour of the Committee system. She believed that if a council had a political majority then a committee system would not lessen the clear direction of the Council, because that majority could still push through their objectives. She believed that cabinet systems suffered from a lack of succession planning, whereas the committee system allowed for any councillor to build up experience and to put items on agendas. She did not consider that chairmen controlled decision making in the same way as Cabinet members, as chairmen had no authority to make decisions themselves.

Councillor Wilson was asked about the criticisms of the committee system in that it caused delays and that there was no individual to be held accountable for decisions. In her experience she had found no delays in decision making. There had been a slight increase in the number of urgent items considered by committees. The Leader, Chief Executive and chairmen could all be focal points for the public. She confirmed that Maidstone Borough Council had reviewed the range of governance structures two years before adopting the committee system and so had not considered Sevenoaks District Council's hybrid structure.

The Chairman thanked Cllr. Wilson for her views on the committee system as adopted by Maidstone Borough Council.

12. Appointment of a Deputy Electoral Registration Officer and Returning Officer for parish polls

The Senior Electoral Officer presented a report which recommended that Council appoint a Deputy Electoral Registration Officer and also a Returning Officer for Parish and Community Polls.

The report identified that the appointment of a Deputy Electoral Registration Officer would reduce the risks of not being able to administer electoral register hearings within the statutory timescale in the event that the Electoral Registration Officer was absent for a long period. A Returning Officer would need to be appointed for the conduct of any Parish Poll, which was held under its own electoral rules. No such Returning Officer had previously been appointed but traditionally the Chief Executive had been appointed to all Returning Officer roles.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That it be recommended to Council that

- a) the Chief Officer for Corporate Support be appointed Deputy Electoral Registration Officer for the Sevenoaks District Council; and
- b) the Chief Executive be appointed as Returning Officer for any polls held under the Parish and Community Meetings (Polls) Rules 1987.

13. Progress of Individual Electoral Registration

The Senior Electoral Officer presented a report which explained that the Electoral Services Team was carrying out a statutory canvass under Individual Electoral Registration, with the register to be published on 1 December 2015. Each residential property had received a Household Enquiry Form and new residents would receive a statutory Invitation to Register form. Non-responses within the canvass period would receive reminder forms and a visit from a canvasser. Applicants for the register were asked to provide a National Insurance Number and date of birth to reduce potential electoral fraud. Costs were projected to be £55,800 over budget. The Senior Electoral Officer advised that they had received an 80% response rate with a month to go which was similar to neighbouring Local Authorities.

Members queried the reason for the significant overspend. Officers advised that the costs had been difficult to estimate beforehand and the Council had applied for and received extra funding from the Government. However, the printing had to be carried out externally due to the complexity of the forms, postage costs had risen due to the number of reminder forms being sent and canvassers were visiting significantly more properties than previous years. The costs set out at Appendix A to the report were considered, which highlighted the areas of over spend. Members suggested that Officers could explore the possibility of joint tendering for printing with other Local Authorities.

Members enquired how the registration process catered for those people who may be illiterate or in care homes. The Senior Electoral Officer explained that canvassers visited all non-responders and staff would assist the public as much as possible if they telephoned instead. If, for a suitable reason, a person could not provide a National Insurance Number then they would be asked to submit certain documents to prove their identity and address or, failing that, their identity could be attested to by another elector.

Resolved: That the progress of Individual Electoral Registration be noted.

14. Further Limited Consultation Period on the KCC Boundary Review

The Chief Officer Legal & Governance presented a report which explained that on 21 July 2015, during an initial consultation period, Full Council had approved a submission to the Local Government Boundary Commission for England (LGBCE) of an alternative proposal for Kent County Council divisions within the Sevenoaks District. The LGBCE was proposing significant alterations to its recommendations in the initial consultation, holding a further limited consultation until 26 October 2015. The new proposals were in accordance with the submission by the Council and therefore the Council was not being consulted on the new proposals.

Councillor Grint addressed the Committee and said that the Badgers Mount Parish Council was overlooked in the initial LGBCE consultation as it had only recently been formed. However, the Parish Council felt closer links to Shoreham and to the Darent Valley and so would naturally fit with that proposed division instead of Sevenoaks West. The Chairman recommended that the Badgers Mount Parish Council make its own submission to the LGBCE.

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Resolved: That the further information from the Local Government Boundary Commission, which accorded with the recommendations made by Full Council on 21 July 2015, be noted.

15. Electoral Review of Sevenoaks District Council

The Chief Officer Legal & Governance presented a report which explained that, at its last meeting, the Committee had requested an item to consider whether there was inequality in the number of voters per District Councillor and to consider the effect if the total number of District Councillors were to be reduced.

The report explained that the current number of electors per ward was not sufficiently unequal to trigger a LGBC initiated review and any review would have to be requested by the Council instead. Any review would need to consider equality of representation, reflecting the identities and interests of local communities and securing effective and convenient local government. The Chief Officer Legal & Governance noted that the Council had the lowest number of electors per Councillor in the County and that this would fall further by 2020.

Members discussed the implications of reducing the number of Councillors. Concern was raised that workload would increase for each Councillor if the overall number were reduced. The Chairman noted that Member on-costs were becoming a substantial part of the Council's costs.

Members also thought that consideration should be given to a low cost public consultation, such as by using InShape.

Resolved: That

- a) the possibility of reducing the number of District Councillors be further investigated; and
- b) a Member Survey be carried out to consider all Members' views on possibly reducing the number of District Councillors, with the results to be reported to the Committee at its meeting on 13 April 2016.

16. Work Plan

It was noted that the results of the Member Survey would be reported to the Committee on 13 April 2016. The Chairman clarified that a Member from Canterbury City Council would be invited to the meeting on 13 April 2016 to discuss governance arrangements.

THE MEETING WAS CONCLUDED AT 8.50 PM

CHAIRMAN

ELECTORAL REVIEW FOR SEVENOAKS DISTRICT COUNCIL - MEMBERS SURVEY

Governance Committee - 13 April 2016

Report of Chief Officer Legal and Governance

Status: For Consideration

Key Decision: No

Portfolio Holder Cllr. Firth

Contact Officer Christine Nuttall, Ext. 7245

Recommendations to Governance Committee:

(a) The results of the Members Survey on an electoral review for Sevenoaks District Council be noted; and

(b) That Members give their views on the possibility of an electoral review of this Council.

Reason for recommendation: To give Officers an indication of any further work to be done prior to the next meeting of the Committee if there is a view that an electoral review of this Council should be pursued.

Introduction and Background

- 1 At the meeting of the Governance Committee on 13 July 2015 it was agreed that “An item would be added for the meetings in October and April for considering the boundaries of the Council wards and whether there was inequality in the number of voters per councillor. The Committee would also consider the effect if the total number of District Councillors were to be reduced”.
- 2 At the October meeting of the Committee Members received a report which informed them that there was insufficient inequality in the number of voters per Councillor to trigger an electoral review and it would therefore require Council to resolve to invite the Local Government Boundary Commission for England (LGBCE) to undertake a review. The report also provided electorate data by District Council ward based on the current Electoral Register and the projections to 2020 that had been made by Kent County Council as part of their recent Electoral review and set out the processes that would be followed if an electoral review was to be requested.
- 3 At the October meeting it was resolved that “the possibility of reducing the number of District Councillors be further investigated” and “a Member

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Survey be carried out to consider all Members' views on possibly reducing the number of District Councillors, with the results to be reported to the Committee at its meeting on 13 April 2016.”

- 4 This report provides the results of the consultation for Members consideration and seeks views as to the next steps to be taken.

Members Survey - Results

- 5 At the request of the Governance Committee Members were asked to complete a short survey giving their views as to whether or not the Council should invite the Local Government Boundary Commission for England to undertake an electoral review for Sevenoaks District Council. The survey was open for 10 days from Thursday 10 March until midnight on Sunday 20 March 2016.
- 6 A total of 33 Members responded to the survey. A copy of the results is attached at Appendix A to this report.
- 7 Of those Members that responded to the survey 55% (18 people) said that the council should consider a review aimed at reducing the number of Members to take effect from the 2019 district elections. 45% of Members (15 people) said that the council should not consider a review.
- 8 The survey asked Members to provide their views as to why they believe the Council should or should not ask for an electoral review. The responses received are included at Appendix A for Members consideration.

Electoral Review - next steps

- 9 Having considered the outcome of the Members Survey the Governance Committee is requested to give their advice on the next steps to be taken with regard to an electoral review for Sevenoaks District Council. Set out below for Members' consideration is three options.
- 10 Members may wish to note that it is the view of Officers that for an electoral review to be completed with new wards and councillor numbers in place for the District Council elections of May 2019 a resolution of full Council would need to be made during the 2016 calendar year.
- 11 Option 1. To proceed with a report to Council with a recommendation that the Local Government Boundary Commission for England is asked to undertake an electoral review for Sevenoaks District Council.
- 12 Option 2. To undertake further work, particularly with an aim of improving the Council's data on the projections for the future electorate and re-consult with Members before the Governance Committee meeting of 3 November 2016.
- 13 Option 3. To undertake no further work and re-visit the potential for an electoral review at a future date before May 2019.

Other Options Considered and/or Rejected

None.

Key Implications

Financial

14 None - an initial view only at this stage as to whether to pursue a review.

Legal Implications and Risk Assessment Statement.

15 Legal responsibility for any review lies with the LGBCE.

Equality Assessment

16 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Conclusions

17 Members have provided their views, through a survey, as to whether they would support an electoral review for Sevenoaks District Council. Members' views are sought on the possibility of requesting an Electoral Review of the Council.

Appendices

Appendix A - Results of the Member's electoral review survey

Background Papers:

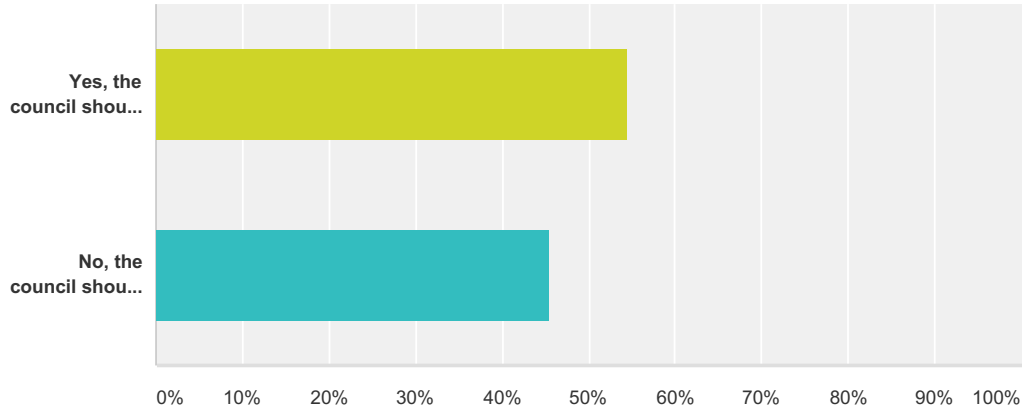
None.

**Christine Nuttall
Chief Officer Legal and Governance**

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Q1 Please tell us whether you believe the Council should or should not consider requesting an electoral review of the District Council to take effect from District elections held in 2019.

Answered: 33 Skipped: 0



Answer Choices	Responses
Yes, the council should consider a review aimed at reducing the number of Members to take effect from the 2019 district elections	54.55% 18
No, the council should not consider a review aimed at reducing the number of Membes to take effect from the 2019 district elections	45.45% 15
Total	33

Agenda Item 4 Electoral Review Survey for Members

Q2 In the box below please tell us why you believe the Council should request an electoral review for the district

Answered: 18 Skipped: 15

#	Responses	Date
1	For the past ten years, councillors have been taking difficult decisions to continually make efficiency savings in almost every line of the budget, nearly halving head count in the process. One of the few exceptions is councillor allowances. It is unconscionable that we spend nearly £400,000 of our residents' money to remunerate ourselves. Assuming councillors would not wish to reduce their allowances – and I do not advocate that for the reasons discussed each time they are reviewed by the JIRP – the only alternative is for us to be fewer in number if a cost reduction is to be achieved. We must not forget that councillors exist to champion their communities but can we do that as well or better with fewer councillors? Yes. Can we help protect services by reducing the cost of councillors? Yes. Should we therefore look at it? Absolutely. There are of course other considerations and I would be pleased to join a working party to discuss these should Members decide they wish to give this further thought. M.	3/19/2016 7:29 PM
2	SDC has the lowest number of electors per councillor in the county. Modern methods of communication reduce or eliminate the need for members meeting electors physically in most situations. Size of electoral area reduces in importance because of improved communication. The business of the council coupled with a sufficient number of members to represent a range of views, whether through differing political affiliations or within any particular group can probably be achieved with approx. 2/3rds of the current number of members. As the current disparity in the number of electors per councillor is not sufficiently imbalanced to trigger automatically a LGBCE review then this needs to be called for by the council.	3/18/2016 8:56 PM
3	In view of funding constraints I feel that the Council must not only look at staffing levels etc but also at whether it could make cuts in the number of members. This does not mean we must cut but we must look at the option.	3/18/2016 10:29 AM
4	When some areas were put together it resulted in Councillors having less people to look after This has of course to be evaluated against having sufficient members to service the desired no of committees	3/17/2016 3:12 PM
5	It would help residents to see that councillors are serious about looking for all opportunities to reduce costs. There are significant discrepancies in the representation between wards which should be addressed. In particular, there is potential for most 3-member wards to be reduced to two members without the need to adjust ward boundaries. The review process should include an assessment of how Councils that have been through a similar reduction in the number of councillors ave coped with the change and what impact it has had on the ability of councillors to function as advocates for their community and their workload as members of committees. An important aspect must be to ensure that prospective councillors who are in full-time employment are not discouraged from standing for election because of the potential time commitment. The review also ought to look at some changes to ward boundaries where they do not reflect local preferences such as the inclusion of Hodsoll Street in Hartley rather than Ash and New Ash Green and the possibility of splitting Farningham, Horton Kirby and South Darenth into two wards.	3/17/2016 1:42 PM
6	Cost of Members allowances Cost to SDC of communicating with / administration for 54 Members. Electors in 3 Member wards could be looked after by 2 Members	3/17/2016 11:03 AM
7	I believe that there are wards which are too big and Councillor representation is not representative in terms of proportionality. Whilst geographically there are wards which can merge to absorb less Councillors. Therefore a review should be undertaken to encompass boundaries, number of Councillors per ward and proportional representation	3/17/2016 10:58 AM
8	The number of councillors representing the council needs to be reduced, presumably by enlarging each, or some of the wards.	3/17/2016 10:47 AM
9	Cut numbers to save the Council money	3/17/2016 10:25 AM
10	I believe most of the work could be undertaken with fewer people	3/13/2016 10:47 AM
11	There are several inequalities in the number of electors per member.	3/11/2016 4:20 PM
12	The council is now top-heavy with too many Councillors with little to do More single member wards are needed to ensure equality of numbers and workload.	3/11/2016 12:14 PM
13	The number of District Councillors in Sevenoaks is excessive for a District of our population-size.	3/10/2016 10:28 PM
14	To bring the number of electors per Member going forward more in line with other Kent districts	3/10/2016 10:22 PM
15	Because half the councillors do nothing, and far to many are parish reps to with a very narrow view and tiny parochial perspectives	3/10/2016 10:01 PM

Electoral Review Survey for Members **Agenda Item 4**

16	<p>Sevenoaks District is now out of line with all other Districts in the County in having under 1,500 electors per Councillor. I believe that given all the technological advances allowing electors to effectively serve themselves on-line that the need for one Councillor per 1,500 electors is not there anymore and that fewer Councillors could serve more electors without a corresponding drop off in quality of service received. This would have the knock on benefit of saving considerable sums of tax payer money.</p>	3/10/2016 6:03 PM
17	<p>The number of councillors is ridiculously high. Having made so many efficiency savings, councillors should play their part. Losing 10 from the 56 would save the Council £1 million over ten years, losing 15 would lose £1.5 million. We should look at reducing numbers of 3 member wards, there is no need for 3 member wards - they can become 2 members and make a saving.</p>	3/10/2016 5:52 PM
18	<p>Financial burden to residents for so many. Too many Councillors resulting in some feeling surplus and not included. Some Councillors do no work at all except turn up occasionally for a meeting where they haven't even read the agenda papers because they rely on other ward Councillors. Every Councillor should be included and part of the work of the council so the numbers need reducing.</p>	3/10/2016 5:42 PM

Agenda Item 4 Electoral Review Survey for Members

Q3 In the box below please tell us why you believe the Council should not request an electoral review for the district

Answered: 15 Skipped: 18

#	Responses	Date
1	1) Greater mix of councillors from different backgrounds 2) Tied more closely to place 3) we already have some of the highest elector to representative in the country 4) public aren't calling for it I think the data that was sent out was biased and probably wrong or at least out of date	3/19/2016 10:27 PM
2	we need to look outwards not navel gaze	3/19/2016 10:23 PM
3	Currently the data shows a decrease in the number of electors over sevenoaks district. This makes no sense given the additional building. In my ward there are an additional 300 houses being proposed. It is likely therefore that the number of electors will be increasing. Given dubious data and likely increase in development, it would be ill advised to change things at present.	3/18/2016 2:16 PM
4	I believe it to be unnecessary as we will be building many more homes in the district over the coming years. Until we know the number per ward, any review is flawed before it starts.	3/17/2016 6:16 PM
5	I don't believe the Data provided from Kent and District is realistic.	3/17/2016 4:55 PM
6	The electorate data provided for Shire and District is seriously flawed. Projections of electors and therefore electors per Member do not take into account either the recent increase in population or the forthcoming high rate of house building agreed in the two local wards. Therefore the data cannot be used as a basis for consultation or decision making	3/17/2016 4:34 PM
7	Sevenoaks District Council has been public ally acclaimed as being one of the best managed and run District Councils in England. This would therefore follow that our system of governance works, that councillors are being highly effective and proactive. There is an old adage 'if it ain't broke don't fix it'. This more than applies to our current situation.	3/17/2016 3:09 PM
8	A possible reduction in the numbers of Councillors in the district is likely to result in the following: An increase in work load for councillors in a more demanding environment Reduction in the skill diversity of councillors that will in turn favour the recruitment of retired members. Limit the range of expertise that could support the development of the council at a time of greatest need for diversity. Reduction in efficiency where there is an increase in single member wards, particularly in planning matters.	3/17/2016 11:22 AM
9	Makes no sense unnecessary distraction	3/17/2016 10:21 AM
10	The strength of the make up of members of SDC is that it reflects the communities it serves, with multi member wards it allows those who work, particularly in London (as a large proportion of our residents do) to participate fully as members. If we reduced the number of members this would (in some cases) mean that we would rule out some of our members from standing and this in turn would lead to a less diverse membership	3/14/2016 4:57 PM
11	I consider no reductions need to be made - particularly as the Council is aiming towards self sufficiency	3/11/2016 8:55 PM
12	The system currently works very well - so why change it? You stated that each ward has a roughly equal share of the voters so if the ward boundaries are moved that would imply that some members would have to "share" parishes - not good.	3/11/2016 8:31 AM
13	It would be a total distraction . If you are concerned regarding costs reduce the expenses allowances by , say , 20%	3/10/2016 11:11 PM
14	Reducing the number would increase the workload of the remaining Councillors. This could lead to a reduction in the number of working people willing to stand for election leading to an unbalanced representative base which does not reflect the population	3/10/2016 6:55 PM

<p>15</p>	<p>1. Reducing the number of councillors could reduce diversity and substantially increase work loads particularly amongst the more active councillors - who would end up shouldering a lot of work . Less active councillors (due to other commitments) are a valuable asset the the council so should not be not discouraged to stand - but this could be an unintended result. The council could be resrepresented mainly by retired people who have the time to do it properly. 2. Reducing the number of councillors could increase the size of wards. As a rural district some of these wards could be come difficult to represent. 3. Reducing the number of councillors could lead to more single member wards which causes problems if that member is sick or away for a period of time. 4. Sevenoaks has very active members - we are a member-led authority - meaning our residents are electing people who are enacting their wishes every day. Reducing the number of councillors, and increasing the ward work could result in less direct member involvement in policy and strategy development etc as they are so busy with ward work (attending Parish councils and other commitments, planning applications etc) 5. We can not guarantee being in complete control of the process once it starts, and we could end up with something that is not in the interests of our residents. Just look at what happened to the KCC boundaries. The new Darent Valley division is the second largest in Kent both geographically and in terms of population and will be difficult for one person to represent effectively. 6. If you are going to try and cut the cost of democracy why not get rid of all councillors and save the whole amount. In order for residents to be properly represented they need a diverse bunch of councillors: retired, working, commuters, parents, men, women, young, old etc. Reducing the number could seriously impact on this. Sometimes there is a premium for democracy. 7. One of the advatanges of District councillors is that we are close to the communities we represent. Bigger wards will severe this link. Residents like being close to their elected members.</p>	<p>3/10/2016 5:46 PM</p>
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APPOINTMENT OF MONITORING OFFICER

Governance Committee - 13 April 2016

Report of Chief Executive

Status: For Decision

Also considered by: Council - 26 April 2016

Key Decision: No

Portfolio Holder Cllr. Peter Fleming

Contact Officer Christine Nuttall Ext. 7245

Recommendation to Governance Committee: That it be recommended to Council that

- (a) in the absence of a Head of Legal & Democratic Services post holder, the Chief Officer Legal & Governance continue as Monitoring Officer until the end of May 2016 (or until such time as the Head of Legal & Democratic Services is in post, whichever is the sooner); and
- (b) in the absence of a Head of Legal & Democratic Services post holder after the end of May 2016, the Chief Officer Corporate Services be appointed interim Monitoring Officer, until such time the Head of Legal & Democratic Services is in post.

Recommendation to Council: That

- (a) in the absence of a Head of Legal & Democratic Services post holder, the Chief Officer Legal & Governance continue as Monitoring Officer until the end of May 2016 (or until such time as the Head of Legal & Democratic Services is in post, whichever is the sooner); and
- (b) in the absence of a Head of Legal & Democratic Services post holder after the end of May 2016, the Chief Officer Corporate Services be appointed interim Monitoring Officer, until such time the Head of Legal & Democratic Services is in post.

Reason for recommendation: To ensure compliance with relevant legislation.

Introduction and Background

- 1 On 3 November 2015, Full Council agreed to a management restructure as part of the Council's efforts to balance its 10 year budget.

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- 2 As part of that restructure, it was agreed that the post of Chief Officer Legal & Governance (the current Monitoring Officer) be deleted from the end of May 2016 and the post holder of the Head of Legal & Democratic Services role be appointed as Monitoring Officer, effective from 1 April 2016.
- 3 The new Head of Legal & Democratic Services is yet to be in post, therefore the role of Monitoring Officer continues to reside with the current Chief Officer Legal & Governance. However this post will no longer exist after May 2016 and there is a possibility that there may not be a Head of Legal & Democratic Services in post at that time.

Statutory Officer

- 4 The Monitoring Officer has the specific duty to ensure that the Council, its officers and its elected Members maintain the highest standard of conduct in all they do. The legal basis for the post is found in section 5 of the Local Government & Housing Act 1989, as amended by schedule 5, paragraph 24 of the Local Government Act 2000.
- 5 The monitoring officer has three main roles:
 - to report on matters he or she believes are, or are likely to be, illegal or amount to maladministration;
 - to be responsible for matters relating to the conduct of councillors and officers; and
 - to be responsible for the operation of the council's constitution.
- 6 Although most authorities do in practice appoint their most senior lawyer to the Monitoring Officer role, there is no legal requirement for this officer to be legally qualified.

Proposal going forward

- 7 The resolution to appoint the post holder of the Head of Legal & Democratic Services as Monitoring Officer, effective from 1 April 2016, cannot be complied with in the absence of a post holder. The role has therefore remained with the Chief Officer Legal and Governance. However, this position will be deleted at the end of May 2016, and if there is still no Head of Legal & Democratic Services in post at that time the Council will need to put in place an interim solution as the Council must have a Monitoring Officer, this being one of the Statutory Officers of the Council.
- 8 Members are therefore being asked to agree to appoint the Chief Officer Corporate Services as an interim Monitoring Officer after May 2016 and until the Head of Legal & Democratic Services is in post.

Key Implications

Financial

No financial implications as a direct result of this report.

Legal Implications and Risk Assessment Statement.

Under Section 5 of the Local Government & Housing Act 1989, as amended by schedule 5, paragraph 24 of the Local Government Act 2000, the Council has a duty to appoint a Monitoring Officer. Neither the Head of Paid Service nor the Chief Finance Officer can hold the position of Monitoring Officer.

A Monitoring Officer is there to ensure that the functions and activities of the authority are conducted properly, lawfully and in the public interest. If decisions are not taken lawfully, they risk being judicially set aside.

Although most authorities do in practice appoint their most senior lawyer to the Monitoring Officer role, there is no legal requirement for this officer be legally qualified.

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Conclusion

Members are asked to consider making arrangements to ensure that there is no Monitoring Officer vacancy.

Background Papers:

[Senior Manager Restructure Report \(Council 3 November & Cabinet 15 October 2015\)](#)

Dr Pav Ramewal
Chief Executive

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Governance Committee Work Plan 2015/16 (as at 30/3/16)

13 April 2016	19 July 2016	3 November 2016	2 February 2017
Review of Sevenoaks District Council ward boundaries - results of Member Survey Appointment of Monitoring Officer			

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