

<b>MEETING:</b>	<b>EMPLOYMENT PANEL</b>
<b>MEETING DATE:</b>	<b>7 JANUARY 2014</b>
<b>TITLE OF REPORT:</b>	<b>APPOINTMENT OF MONITORING OFFICER, RETURNING OFFICER, ELECTORAL REGISTRATION OFFICER, STATUTORY SCRUTINY OFFICER and PROPER OFFICER FOR REGISTRATION SERVICES</b>
<b>REPORT BY:</b>	<b>DEPUTY MONITORING OFFICER</b>

## **Classification**

Open

## **Key Decision**

This is not an executive decision.

## **Wards Affected**

County-wide

## **Purpose**

To recommend to Council the designation of specific posts to discharge the functions of Monitoring Officer, Returning (and Acting Returning) Officer, Electoral Registration Officer, statutory Scrutiny Officer and Proper Officer for Registration Services (including responsibility for the Coroners Service).

## **Recommendations**

**THAT the following be recommended to Council:**

- (a) the Solicitor to the Council be designated Monitoring Officer;**
- (b) the Chief Executive be designated Returning Officer (Acting Returning Officer in respect of European elections) and Electoral Registration Officer;**
- (c) the Director for Economy, Communities & Corporate be designated Scrutiny Officer; and**
- (d) the Solicitor to the Council be designated Proper Officer for Registration Services (including responsibility for the Coroners Service).**

## **Alternative Options**

- 1 Other posts may be designated to fulfil these functions; regard must be had to the skills and experience of post holders.

## **Reasons for Recommendations**

- 2 To meet statutory requirements.

## **Key Considerations**

- 3 The Head of Governance has sought voluntary release and leaves the authority on 31 December 2013. In light of the current financial challenge faced by the authority and ongoing internal staff restructures it is not intended to replace this post like for like.
- 4 The Head of Governance is currently the designated officer for a number of statutory functions, and it is therefore necessary for posts to be designated to fulfil these functions. The designation of these functions to posts is reserved to Council.

## **Community Impact**

- 5 The functions collectively support the maintenance and enhancement of robust governance across the authority.

## **Equality and Human Rights**

- 6 The council's policies in relation to job evaluation, recruitment and selection pay full regard to the public sector equality duty.

## **Financial Implications**

- 7 All costs are contained within existing budgets.

## **Legal Implications**

- 8 Section 5 of the Local Government & Housing Act 1989 imposes a duty on the council to designate one of its officers as Monitoring Officer; this may not be the Head of Paid Service or Chief Finance Officer (Section 151 Officer).
- 9 Section 35(1) of the Representation of the People Act 1983 requires the council to appoint an officer of the council to be Returning Officer for elections and Section 8 of the same Act requires the council to appoint an Electoral Registration Officer; they do not need to be the same person, but may be.
- 10 Section 31 of the Local Democracy, Economic Development & Construction Act 2009 requires the council to designate one of its officers as Scrutiny Officer; this may not be the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer.
- 11 Section 13 of the Registration Service Act 1953 sets out various powers and obligations of the officer appointed as the council's Proper Officer for the Registration

Service.

## **Risk Management**

- 12 Designation of posts to fulfil these functions mitigates the risk to the authority of failing to comply with statutory requirements and helps to maintain effective and robust governance within the authority.

## **Consultees**

- 13 Relevant officers as named.

## **Appendices**

- None

## **Background Papers**

- None identified.