

County Council

22 February 2017



Statutory Appointments – Returning Officer and Monitoring Officer

Report of Corporate Management Team

John Hewitt, Corporate Director Resources

Councillor Simon Henig, Leader of the Council and Councillor Alan Napier, Portfolio Holder for Finance

Purpose of the Report

- 1 To advise Council of the need to make two statutory appointments arising from the intended retirement of the current Head of Legal and Democratic Services.

Background

- 2 The Head of Legal and Democratic Services has given notice to retire from her post on 5 April 2017.
- 3 The current job profile of this role includes two statutory functions, the appointment of which are the responsibility of the Council:
 - (a) Returning Officer;
 - (b) Monitoring Officer.
- 4 Section 35, Representation of the People Act 1983, states that the Council has a duty to appoint a Returning Officer for local and parish elections.
- 5 Section 51, Local Government and Housing Act 1989, determines the Council has a duty to designate one of its officers as the Monitoring Officer and provide sufficient resources to enable their duties to be discharged.

Proposals – Returning Officer Role

- 6 The notice of election is due to be published on 23 March 2017 in respect of May 2017 local elections. It is therefore desirable to have a new Returning Officer in place in advance of this date.
- 7 In many Councils, the Chief Executive Officer (CEO) undertakes the role of Returning Officer as the duties reflect the need to be able to command sufficient resources to service the electoral process, a task that becomes more challenging in the current climate of austerity.

- 8 The CEO has agreed to undertake this role and will be assisted by an experienced centralised core election team that has run all national and local elections and referenda since its establishment in 2012. Additionally, the Head of Legal and Democratic Services who has been leading the project planning for the May local elections will work alongside the CEO up to her retirement, to ensure a seamless handover of responsibilities.
- 9 The Corporate Director Resources has agreed to undertake the role of Deputy Returning Officer in addition to the Electoral Services Manager.
- 10 It is proposed that the appointment of the new Returning Officer and the Deputy Returning Officer takes effect from the date of this report.

Proposals – Monitoring Officer Role

- 11 It is proposed that the responsibility for the recruitment of the Head of Legal and Democratic Services, including the Monitoring Officer role, be delegated to the CEO and the Corporate Director Resources, in consultation with the Leader of the Council.
- 12 In order to provide a reasonable period of handover, due to the timescales involved, an interim appointment will be required whilst a recruitment exercise to fill the post on a permanent basis is undertaken.

Recommendations and reasons

- 13 It is recommended that Council approves:
 - (a) That the CEO undertakes the role of Returning Officer with immediate effect;
 - (b) the Corporate Director Resources undertakes the role of Deputy Returning Officer in addition to the electoral services manager with immediate effect;
 - (c) that the recruitment of the Head of Legal and Democratic Services, on both an interim and subsequent permanent basis, be delegated to the CEO and the Corporate Director Resources, in consultation with the Leader of the Council.

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Appendix 1: Implications

Finance – none.

Staffing – recruitment and selection process to be undertaken

Risk – the appointment of the Chief Executive as Returning Officer and the Corporate Director Resources as the Deputy Returning Officer mitigates the risk of having nobody in post for the 2017 Local Elections

Equality and Diversity / Public Sector Equality Duty - the process complies with Equalities legislation

Accommodation - none

Crime and Disorder - none

Human Rights - none

Consultation - none

Procurement – potential use of external recruitment support

Disability Issues - none

Legal Implications – the current job profile of this role includes two statutory functions, the appointment of which are the responsibility of the Council. The appointment of the Monitoring Officer is a council function and may be delegated to an Officer of a Committee. It is not a matter specifically delegated to the Chief Officer Appointments Panel.