

EAST HERTS COUNCIL

COUNCIL – 16 DECEMBER 2015

REPORT BY LEADER OF THE COUNCIL

APPOINTMENT OF STATUTORY OFFICERS

WARD(S) AFFECTED:     None

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**Purpose/Summary of Report**

- To appoint officers of the Council to the following statutory positions:
  - (A)     Returning Officer;
  - (B)     (Electoral) Registration Officer
  - (C)     Monitoring Officer.

<b>RECOMMENDATION FOR DECISION: that the</b>	
<b>(A)</b>	<b>Chief Executive be appointed under the provisions of the Representation of the People Act 1983 to be the Returning Officer for the election of district and parish/town councillors, and to be the Electoral Registration Officer for the (parliamentary) constituencies either wholly or partly, within East Hertfordshire with effect from 1 January 2016; and</b>
<b>(B)</b>	<b>Head of Democratic and Legal Support Services be designated as (acting) Monitoring Officer for the Authority pursuant to the provisions of Section 5 of the Local Government and Housing Act 1989 on the basis detailed in the report now submitted.</b>

1.0     Background

1.1     Under provisions of the Representation of the People Act 1983, Council must appoint one of its officers to be Returning Officer for the election of councillors of the District and of parish/town councillors within the District.

1.2 The aforementioned Act also includes a provision requiring the Council to appoint an officer to be (electoral) registration officer for the (parliamentary) constituencies either wholly or partly situated within the District.

1.3 Section 5 of the Local Government and Housing Act 1989 places a duty on the Council to designate one of its officers as the Authority's Monitoring Officer.

## 2.0 Report

2.1 Council, at its meeting held on 20 May 2015, approved interim management arrangements due to the impending retirement of the then Chief Executive and Director of Customer Services.

2.2 Council agreed that the post of Chief Executive and Director of Customer Services should be deleted and a new post of Chief Executive created.

2.3 Whilst recruitment to fill the newly created post progressed, Council also agreed to appoint the Director of Neighbourhood Services as its (acting) Head of Paid Service and the Head of Democratic and Legal Support Services as its (acting) Monitoring Officer. These acting appointments were made until such time as a permanent appointment was made to the new post of Chief Executive.

2.4 The new Chief Executive took up her post on 26 October 2015. In so doing she automatically became Head of the Paid Service in accordance with Council's decision at its May 2015 meeting.

2.5 As Head of Paid Service, the Chief Executive is statutorily prohibited from being designated as the Council's Monitoring Officer.

2.6 Since the Chief Executive commenced her duties, the Head of Democratic and Legal Support Services has continued in the role as the Authority's (acting) Monitoring Officer.

2.7 With the impending retirement of the Director of Neighbourhood Services (who was previously designated as Monitoring Officer), Council is invited to extend the temporary appointment of the Head of Democratic and Legal Support Services in that capacity sine die.

2.8 The Director of Neighbourhood Services is also the Authority's duly appointed Returning Officer and Electoral Registration Officer. Following consultation with the Chief Executive and the Director it is proposed that the former be duly appointed to these statutory positions with effect from 1 January 2016

### 3.0 Conclusion

3.1 Council is invited to approve the recommendations at the head of this report in order to meet legislative requirements concerning the appointment of statutory officers.

### 4.0 Implications/Consultations

4.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

## Background Papers

None

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