

REPORT TO	DATE OF MEETING
COUNCIL	16 NOVEMBER 2016



SUBJECT	PORTFOLIO	AUTHOR	ITEM
APPOINTMENT TO THE POSITIONS OF HEAD OF PAID SERVICE, MONITORING OFFICER AND RETURNING OFFICER/ELECTORAL REGISTRATION OFFICER	LEADER	S NUGENT	

1. SUMMARY AND LINK TO CORPORATE PRIORITIES

This report seeks the approval of the council to the appointment of the Chief Executive to the positions of Head of Paid Service, Returning Officer and Electoral Registration Officer and the Deputy Monitoring Officer to the position of Monitoring Officer. All appointments will be on an interim basis.

The report reflects the Corporate Priority of an “Efficient, Effective and Exceptional Council.”

2. RECOMMENDATIONS

Council are asked to appoint on an interim basis:-

1. The Interim Chief Executive to the positions of:-
 - Head of Paid Service
 - Returning Officer
 - Electoral Registration Officer
2. The Deputy Monitoring Officer to the position of;-
 - Monitoring Officer

3. DETAILS AND REASONING

1. Head of Paid Service

The council meeting on 5 October 2016 approved the temporary appointment of the Head of Shared Assurance as the council’s Head of Paid Service until the next meeting of the council on 16 November 2016.

We were unable to appoint the Interim Chief Executive to this role with effect from the 5 of October 2016 (the date when the previous Head of Paid Service ceased to act) as she never commenced her work with this council until the 24 of October. Further there was concern over whether a non-employee of the council could fulfil this role. In this regard section 4 of the Local Government and Housing Act 1989 refers to a council designating one of their officers as Head of Paid Service.

Independent specialist legal advice was sought on this issue. Whilst there is no definitive case law, Counsel advised that in his opinion it is lawful for a non-employee to be a Head of Paid Service and hence that there was nothing to prevent the interim Chief Executive fulfilling this role.

2. Returning Officer/Electoral Registration Officer

The council is required to have in place a Returning Officer to ensure any election the council is responsible for is undertaken effectively, in accordance with all relevant legislation and regulations.

The council is also required to have in place an Electoral Registration Officer, who has the statutory duty to compile and maintain the electoral roll (which includes conducting the annual canvas).

The Interim Chief Executive is a highly experienced Returning Officer and Electoral Registration Officer.

These appointments will be on an interim basis.

3. Monitoring Officer

The Monitoring Officer is presently unavailable.

In his absence the Deputy Monitoring Officer has been fulfilling this function. The whole point of having a Deputy Monitoring Officer is to allow for such cover in a period of absence. However, the Monitoring Officer's absence has lasted for some time now and this absence may continue for some time yet. In these circumstances – and following on from external legal advice - it is considered desirable to appoint the Deputy Monitoring Officer as the council's Monitoring Officer on an interim basis.

In the event of the Monitoring Officer returning to work then this appointment would come to an end.

4. Effective Date

It is proposed that each of these appointments is effective from the date of this meeting [16 November 2016].

WIDER IMPLICATIONS

In the preparation of this report, consideration has been given to the impact of its proposals in all the areas listed below, and the table shows any implications in respect of each of these. The risk assessment which has been carried out forms part of the background papers to the report.

FINANCIAL	With regard to the Monitoring Officer interim appointment, an assessment will be made as to the extra level of responsibilities involved, which will result in an honorarium being applied.
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LEGAL	<p>It is a legal requirement for a council to have a Head of Paid Service.</p> <p>It is one of the main statutory officers of the council along with the Section 151 Officer and the Monitoring Officer.</p> <p>The council cannot effectively conduct its business unless it has officers appointed to these roles.</p> <p>It is normal practice for the Chief Executive to be the Head of Paid Service.</p> <p>Following on from the last council meeting clarification was sought as to whether someone who is technically not an employee of the council can nevertheless fulfil the role of the Head of Paid Service. The advice received was in the affirmative.</p> <p>Advice has also been received that having a Deputy Monitoring Officer fulfil the role of the Monitoring Officer on a short term basis is legally permissible but if the Monitoring Officer's absence from the office becomes protracted, it is preferable to appoint someone to the Monitoring Officer role on an interim basis. Any such appointment will come to an end on the return of the Monitoring Officer to work.</p>
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RISK	None, provided the appointments are approved
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THE IMPACT ON EQUALITY	None identified
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OTHER (see below)	
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<i>Asset Management</i>	<i>Corporate Plans and Policies</i>	<i>Crime and Disorder</i>	<i>Efficiency Savings/Value for Money</i>
<i>Equality, Diversity and Community Cohesion</i>	<i>Freedom of Information/ Data Protection</i>	<i>Health and Safety</i>	<i>Health Inequalities</i>
<i>Human Rights Act 1998</i>	<i>Implementing Electronic Government</i>	<i>Staffing, Training and Development</i>	<i>Sustainability</i>