

Meeting: Council
Date: 7 September 2023
Classification: Part 1
Key Decision: No
Title of Report: Designation of Statutory Officer Roles

Executive Director: Joe Chesterton (Executive Director Finance & Resources))
Report Author: Kim Sawyer and Colin Gamble
Executive Councillor: Cllr James Moyies

1. Purpose of report

- 1.1 To approve the designation of Monitoring Officer to the post of Director of Legal Services with immediate effect. Kim Sawyer was recently appointed to the role of interim Director of Legal Services and will therefore assume this designation.
- 1.2 To approve the appointment of the Chief Executive, Rob Tinlin as the Council's Electoral Registration Officer (in accordance with Section 8 of the Representation of the People Act 1983) and Returning Officer (in accordance with Section 35 of the Representation of the People Act 1983) with immediate effect.

2. Recommendations

- 2.1 That Council agrees to the designation of Monitoring Officer to the post of Director of Legal Services with immediate effect.**
- 2.2 That Council agrees appointment the Chief Executive, Rob Tinlin as the Council's Electoral Registration Officer and Returning Officer with immediate effect in accordance with Sections 8 and 35 of the Representation of the People Act 1983 respectively.**

3. Background

- 3.1 The Council is required to designate one of its officers as the Monitoring Officer. The Monitoring Officer holds the statutory responsibilities under section 5 of the Local Government and Housing Act 1989.
- 3.2 Following the departure of the previous Director of Legal Services, the Council has to agree who will hold the designation of Monitoring Officer. On 29th August 2023 the Chief Executive, Rob Tinlin appointed Kim Sawyer to the post Director of Legal Services on an interim basis.

- 3.3 If approved, the Constitution will be amended to ensure that the designation of Monitoring Officer will be held by the future permanent Director of Legal Services.
- 3.4 It is a legal requirement under the Sections 8 & 35 of the Representation of the People Act 1983 to appoint to the roles of Returning Officer and Electoral Registration Officer.
- 3.5 The appointment of the Returning Officer, in accordance with Section 35 of the Representation of the People Act 1983 is an officer of the Council, but the role of the Returning Officer is independent and separate from their duties as an employee of the Council, and in carrying out this duty they have personal responsibility for the conduct of elections and are directly accountable to the High Court.
- 3.6 Section 8 of the Representation of the People Act 1983 requires the Council to appoint an Electoral Registration Officer. They are the person with the statutory responsibility for the creation and maintenance of the register of electors and the lists of absent voters. This person takes responsibility for publishing a revised electoral register and issuing monthly alteration notices. The Electoral Registration Officer is also the Acting Returning Officer for UK Parliamentary Elections.
- 3.7 The Electoral Registration Officer is an officer of the Council, but the role is again a personal responsibility, independent and separate from their duties as an employee of the Council. The roles of Returning Officer and Electoral Registration Officer are typically combined and performed by a single person.
- 3.8 In accordance with Section 2.1 of the Delegations to Officers at Part 3 Schedule 3 of the Council's Constitution, these roles are designated to the Chief Executive. It is therefore proposed to appoint Rob Tinlin, Chief Executive to the roles of Electoral Registration officer and Returning Officer with immediate effect.

4. Financial Implications

- 4.1 There are no financial implications arising from the proposals in this report.