

Report for: Council

Date of Meeting:	23 February 2023
Subject:	Statutory Officer Roles
Responsible Officer:	Hugh Peart, Director of Legal & Governance Services
Exempt:	No
Wards affected:	All
Enclosures:	None

Summary & Recommendations

This report recommends a redistribution of Statutory Officer Roles following staffing changes.

Recommendations

Council is requested to;

- Assign the role of Returning Officer to the Chief Executive;
- Confirm the designation of the roles of Monitoring Officer, RIPA Monitoring Officer, Proper Officer for Births, Deaths & Marriages, and Proper Officer under the Local Government Act 1972 to the Director of Legal & Governance Services;
- Assign the roles of Electoral Registration Officer, Land Charges Registrar and the Honorary Secretary of the Mayor of Harrow's Charity and the Edward Harvist Charity to the Democratic, Electoral & Registration Services Manager; and
- Authorise the Monitoring Officer to make any necessary changes to the Constitution to reflect the above

Section 2 – Report

Introduction

The Role of Director of Legal & Governance Services currently has a number of Statutory Responsibilities assigned to it. The assignment of these responsibilities is a matter for Council to determine.

A review of those assignments has been undertaken following the retirement of the current post holder, and Council is asked to consider a different distribution.

Options

Council has the following options

To leave the assignment as it is, whereupon the interim Director of Legal & Governance Services would discharge all the statutory responsibilities currently assigned to the post.

An alternative is to redistribute the statutory responsibilities across a number of posts. Appointing the Chief Executive as Returning Officer reflects common practice in local government and helps ensure that all necessary Council resources are mobilised to support elections.

It is best practice that the Council's most senior lawyer is its Monitoring Officer, and given the postholder's responsibility for democratic governance, it is appropriate that the post retains the role of Proper Officer under the Local Government Act 1972. The role includes convening Council meetings, keeping records of pecuniary interests and determining which documents can be excluded from Member inspection. All these responsibilities are appropriate for the Monitoring Officer to discharge.

In relation to the Registrars' Service, the Council is required to have a Proper Officer for Births Deaths & Marriages. The service is managed by the Democratic, Electoral & Registration Services Manager, who is Harrow's Superintendent Registrar. This role cannot be combined with that of Proper Officer, and so it recommended that the Proper Officer role remains with the Director of Legal & Governance Services.

The Electoral Registration Officer is required to maintain Harrow's electoral register and ensure it is accurate and complete.

The Land Charges Registrar is responsible for maintaining the Local Register of Land Charges and registering new matters. This service is incrementally being taken over by the Land Registry to become a

national service, and it is anticipated that they will take over Harrow's service in 2024.

Support for the Mayor of Harrow and Edward Harvist Charities is provided by Harrow's Democratic Services Team.

Given that the Democratic, Electoral & Registration Services Manager's role includes managing electoral registration, the Registrars and Land Charges services, it is appropriate that these statutory responsibilities are assigned to the post.

It is therefore recommended that

- The Chief Executive's role includes that of Returning Officer;
- The Director of Legal & Governance's Role includes that of Monitoring Officer, RIPA Monitoring Officer, Proper Officer for Births, Deaths & Marriages and Proper Officer (for Council Summonses etc);
- The Democratic, Electoral & Registration Services Manager's role includes that of Electoral Registration Officer, Land Charges Registrar and the Honorary Secretary of the Mayor of Harrow's Charity and the Edward Harvist Charity

Implications of the Recommendations

Legal Implications

The functions which are the subject of this report are matters for Council to determine. If the recommendations are agreed it will be necessary to amend the role profiles of affected posts to reflect the changes, and to amend the Constitution.

Financial Implications

Any additional costs associated with the revised allocation of responsibilities will be contained within existing budgets.

Risk Management Implications

Risks included on corporate or directorate risk register? **No**

Separate risk register in place? **No**

The relevant risks contained in the register are attached/summarised below. **N/A**

The following key risks should be taken into account when agreeing the recommendations in this report:

Risk Description	Mitigations	RAG Status
The statutory functions are not discharged properly	The current holders of the posts to whom the responsibilities are proposed to be assigned all have relevant and recent experience in those roles Redistributing the statutory functions across a number of experienced officers will help to ensure that the functions are discharged properly	Green
There is insufficient capacity to fully discharge the roles	The proposed arrangements will be kept under review, both as part of the Council's transformation project and when new appointments to affected roles are made. Redistributing the statutory functions across a number of officers will provide greater capacity to enable the functions to be discharged properly	Green

Equalities implications / Public Sector Equality Duty

Was an Equality Impact Assessment carried out? **No**

Council Priorities

1. **A council that puts residents first**
2. **A borough that is clean and safe**
3. **A place where those in need are supported**

Section 3 - Statutory Officer Clearance

Statutory Officer: Dawn Calvert

Signed on by the Chief Financial Officer

Date: 22 February 2023

Statutory Officer: Hugh Peart

Signed by the Monitoring Officer

Date: 22 February 2023

Section 4 - Contact Details and Background Papers

Contact: Hugh Peart, Director of Legal and Governance Services