

Meeting:	EXTRAORDINARY COUNCIL
Date:	11 DECEMBER 2006
Subject:	MONITORING OFFICER AND RETURNING OFFICER ROLES
Responsible Officer:	Acting Chief Executive
Contact Officer:	Jill Rothwell, Acting Chief Executive
Portfolio Holder:	Leader of the Council
Key Decision:	No
Status:	Part 1

Section 1: Summary

Decision Required

To delete the post of Director Corporate Governance as at 31 January 2007 and to transfer the statutory functions of the Monitoring Officer role to the existing post of the Director of Legal Services with effect from 1 February 2007, together with the responsibilities as the Returning Officer (Elections) also previously undertaken by the post of Director of Corporate Governance.

Article 12 of the Constitution would be amended to reflect the re-allocated Monitoring Officer role.

The precise statutory decisions and other arrangements required in relation to the Returning Officer role are set out under the heading Recommendations, in Section 2.1 of this report. Council is requested to approve those Recommendations.

Reason for report

The impending retirement of the Director of Corporate Governance.

Benefits

To effect continuity for the statutory role of Monitoring Officer.

To realise the savings arising to the Authority on the deletion of the post of Director of Corporate Governance.

Cost of Proposals

The proposals have a net saving, which have been taken into account as part of the Authority's overarching Budget reduction strategy.

Risks

The Monitoring Officer role is a statutory function which must be allocated to a Chief Officer post of the Council. The Authority would be in breach of its legal obligations were it not to designate such an arrangement.

Implications if recommendations rejected

The Council would be liable to challenge regarding the performance of the Monitoring Officer role.

Section 2: Report

2.1 Brief History

The present incumbent of the post of Director of Corporate Governance, John Robinson, will be retiring from the Authority's service on 31 January 2007. The Council has already agreed to delete the Director of Corporate Governance post as at that date in order to realise additional savings as a contribution to the Authority's corporate Budget reduction strategy.

The principal and particular responsibilities held by the Director of Corporate Governance post were as the Council's Monitoring Officer (a statutory function) and as the Authority's Returning Officer for Local Elections (Acting Returning Officer for Parliamentary and European elections).

Both of these roles require to be allocated to an alternative, existing Chief Officer post. The statutory Monitoring Officer function requires to be

designated formally by Resolution of the Council and the designation recorded in the Constitution.

Organisationally, the corporate governance and electoral registration activities are to be subsumed into the Legal Services Directorate.

Both roles as set out at Decision Required, are identified to be allocated appropriately to the post of Director of Legal Services. The full details of the Monitoring Officer functions are included at Article 12 of the Constitution.

Electoral Registration Officer Recommendations

In relation to the Electoral Registration Officer role the following statutory and administrative decisions are sought.

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1. That, under the terms of the Representation of the People Act 1983 and all related legislation, and with effect from 1 February 2007, Mr Hugh Peart, the Council's Director of Legal Services, be appointed as Electoral Registration Officer for the Council.
2. That, in accordance with section 41 of the Local Government Act 1972 and all related legislation, and with effect from 1 February 2007, Mr Hugh Peart be appointed as Returning Officer for the Council, with authority to act in that capacity for elections to the Council.
3. That the Council Electoral Registration Officer also be appointed or authorised to act in respect of all related electoral, poll or referendum duties, including in relation to elections to the European Parliament, and for national and regional polls or referendums.
4. That, in relation to the conduct of local authority elections and polls, and elections to the United Kingdom Parliament, and all other electoral duties where the Council is entitled by law to do so, the Council shall take out and maintain in force insurance indemnifying the Council and the Returning Officer against legal expenses reasonably incurred in connection with the defence of any proceedings brought against the Council or Returning Officer and/or the cost of holding another election in the event of the original election being declared invalid (provided that such proceedings or invalidation are the result of the accidental contravention of the Representation of the People Acts or other legislation governing the electoral process, or accidental breach of any ministerial or other duty by the Returning Officer or any other person employed by or officially acting for him in connection with the election or poll).
5. That, in the event of such insurance carrying an “excess” clause by which an initial portion of risk is not insured, the Council, through its internal insurance fund or otherwise, will indemnify the Returning Officer up to the value of such excess. “

2.2 Options Considered

There are no options upon the deletion of the post of Director of Corporate Governance but to re-allocate the statutory and other functions. The Director of Legal Services is the suitable and appropriate post in the establishment for those functions.

2.3 Consultation

This report has been consulted on with the Group Leaders.

2.4 Financial Implications

The detailed savings plan for 2006/07 agreed by the Cabinet in August included a saving from a review of the senior structure. The proposal to delete the post of Director of Corporate Governance delivers part of that saving. The draft Medium Term Budget Strategy to be considered by Cabinet on 14 December 2006 will also reflect the proposal.

2.5 Legal Implications

(Refer to Risks and Implications comments above).

2.6 Equalities Impact

Not applicable.

2.7 Section 17 Crime and Disorder Act 1998 Considerations

Not applicable.

Section 3: Supporting Information/Background Documents

Background Documents:

Article 12 of the Constitution.