



## OPEN REPORT COUNCIL

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**Council – 28 September 2023**

### **APPOINTMENT OF MONITORING OFFICER AND ELECTORAL REGISTRATION OFFICER**

#### **Report of the Chief Executive**

#### **Report Author and Contact Details**

Paul Wilson, Chief Executive

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#### **Wards Affected**

District-wide

#### **Report Summary**

The report seeks to confirm the appointment of Helen Mitchell (designate Director of Corporate and Customer Services) as the Council's Monitoring Officer and Paul Wilson (Chief Executive) as the Electoral Registration Officer.

#### **Recommendations**

1. That Helen Mitchell is appointed as the Council's Monitoring Officer with effect from 6<sup>th</sup> November 2023.
2. That Paul Wilson is appointed as the Council's Electoral Registrations Officer with immediate effect.

#### **Appendices**

None

#### **Background Papers**

None

#### **Consideration of report by Council or other committee**

No

#### **Council Approval Required**

Yes

#### **Exempt from Press or Public**

No

## **Appointment of Monitoring Officer and Electoral Registrations Officer**

### **1. Background**

- 1.1 Under Section 5 of the Local Government Housing Act 1989 the Council is required to designate one of its officers as the Monitoring Officer for the Council. The Monitoring Officer may not be either the Council's Chief Finance Officer or the Head of Paid Service (Chief Executive).
- 1.2 The Monitoring Officer's functions include:
  - Oversight and reporting of the operation of the Council's Constitutional arrangements and the decision making processes
  - Reporting on unlawfulness and maladministration
  - Investigating allegations of breaches of the Code of Conduct and seeking rulings from the Council's Independent Person and arranging meetings of the Member Conduct Panel
  - Maintenance of the Register of Interests
- 1.3 Prior to his departure, James McLaughlin (Director of Corporate and Customer Services) was the Monitoring Officer for Derbyshire Dales District Council, and appointed two Deputy Monitoring Officers (Jason Spencer and Kerry France) to provide resilience and development opportunities.
- 1.4 Helen Mitchell has recently been appointed as the new Director of Corporate and Customer Services and is due to take up her post at the beginning of November. It is proposed that Helen Mitchell be appointed as the Council's Monitoring Officer upon her commencing in post in November 2023.
- 1.5 In the period prior to the new Director of Corporate and Customer Services commencing in post, as deputies to the current Monitoring Officer, Jason Spencer and Kerry France will jointly share the role and responsibilities of Monitoring Officer.
- 1.6 Under section 8 of the Representation of People Act 1983 every District Council is also required to appoint an Electoral Registration Officer (ERO) and this is the person who has the statutory duty to compile and maintain an Electoral Roll (including conducting an annual canvass). In most cases, the Returning Officer (RO) and Electoral Registration Officer (ERO) roles are carried out by the same post-holder. Currently the RO responsibility within Derbyshire Dales rests with the Chief Executive and the ERO responsibility rests with the Director of Corporate and Customer Services.
- 1.7 In order to ensure that there is resilience in the period following the departure of the current Director of Corporate and Customer Services and the new Director of Corporate and Customer Services commencing in post, it is proposed that ERO responsibility be transferred to the Chief Executive.

### **3. Options Considered and Recommended Proposal**

- 2.1 An alternative option would be to not approve the proposals that have been recommended, however the Council would still be required to designate alternative officer(s) as the Monitoring Officer and Electoral Registration Officer.

#### **4. Consultation**

- 3.1 No consultation has been undertaken in the preparation of the report, however political group leaders were involved in the recruitment process for the new Director of Corporate and Customer Services.

#### **5. Timetable for Implementation**

- 4.1 The new Director of Corporate and Customer Services will commence in post in November 2023. Subject to the agreement of Council, they will take on the statutory role of Monitoring Officer on the same date.

#### **5 Policy Implications**

- 5.1 Good governance underpins all of the Council's aspirations as detailed within the Corporate Plan. The designation of a Monitoring Officer is a key decision for the Council in supporting the commitment to good governance.

#### **6 Financial and Resource Implications**

- 6.1 The costs of the Monitoring Officer and Electoral Registration Officer are included within existing budgets. The financial risk of the report's recommendations is, therefore, assessed as low.
- 6.2 Resources implications are set out in the body of this report.

#### **7 Legal Advice and Implications**

- 7.1 The Council is under a statutory obligation to appoint a Monitoring Officer under the Local Government and Housing Act 1989.
- 7.2 It is a statutory requirement under the Representation of People Act 1983 to appoint an Electoral Registration Officer and any failure to do so could lead the Council liable to challenge for failing to meet its statutory duties.
- 7.3 The report seeks to confirm the appointment of Helen Mitchell as the Council's Monitoring Officer and Paul Wilson (Chief Executive) as the Electoral Registration Officer
- 7.4 There are 2 recommended decisions to be made in connection with this report, the legal risk associated with these decisions has been assessed as low.

#### **8 Equalities Implications**

- 8.1 There are no particular implications arising from the actions that are proposed.

#### **9 Climate Change Implications**

- 9.1 There are no particular implications arising from the actions that are proposed.

## 10. Risk Management

- 10.1 If the recommendation is accepted, the risks are considered to be low given the experience and knowledge of the proposed postholders.

### Report Authorisation

Approvals obtained from Statutory Officers:-

	<b>Named Officer</b>	<b>Date</b>
Chief Executive	Paul Wilson	19/09/2023
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	25/08/2023
Monitoring Officer (or Legal Services Manager)	Kerry France	20/09/2023