

Cherwell District Council

Council

30 October 2018

<p>Appointment of Monitoring Officer and Deputy Electoral Registration Officer</p>

Report of Chief Executive

This report is public

Purpose of report

To appoint a Monitoring Officer and a Deputy Electoral Registration officer in place of James Doble, Assistant Director Law and Governance, who leaves his employment with Cherwell District Council in December 2018.

1.0 Recommendations

The meeting is recommended:

- 1.1 To appoint Nick Graham as the Council's Monitoring Officer with effect from 7 November 2018 and request that he appoint a suitably qualified and experienced Deputy Monitoring Officer with effect from the same date.
- 1.2 To appoint Natasha Clark as Deputy Electoral Registration Officer.

2.0 Introduction

- 2.1 The Local Government and Housing Act 1989 requires the Council to appoint a Monitoring Officer to be responsible for specified statutory functions. It is also good practice to appoint a Deputy Electoral Registration Officer.
- 2.2 As the current Monitoring Officer and Deputy Electoral Registration Officer is leaving his employment in December 2018 it is legally necessary for the Council to appoint a replacement before he leaves.

3.0 Report Details

Monitoring Officer

- 3.1 Section 5 of the Local Government and Housing Act 1989 requires the Council to designate one of its officers to be the Monitoring Officer. The Monitoring Officer cannot be the Council's Head of Paid Service or its Chief Finance (Section 151)

Officer. The Council is obliged to provide the monitoring officer with such staff, accommodation and other resources as he, in his opinion, requires to fulfil his statutory duties.

- 3.2 It is the duty of the Monitoring Officer to prepare a report to full Council or Executive in relation to non-executive and executive functions respectively where he is of the opinion that any proposal, decision or omission by the council has given rise to, or is likely to or would give rise to a contravention of any enactment or rule of law, or to maladministration. Such a report must be considered by members within 21 days and the implementation of any relevant decision must be held in abeyance until the report is considered.
- 3.3 The Monitoring Officer also has responsibility pursuant to sections 27-34 of the Localism Act 2011 to administer the ethical regime for members of the Council and all parish councillors in the Council's district, as well as acting as the Monitoring Officer for all such parish councils.
- 3.4 In addition the monitoring officer, as one of the three statutory officers, has a general role in ensuring and advising on the lawfulness the Council's actions.
- 3.5 The current Monitoring Officer, James Doble, Assistant Director Law and Governance, is leaving his employment with Cherwell District Council in December 2018. James Doble acts as Monitoring Officer for South Northamptonshire Council, as well as Cherwell District Council, pursuant to the shared working agreement entered into by the two councils pursuant to section 113 of the Local Government Act 1972. As the agreement will end in January 2018, South Northamptonshire will also be appointing a Monitoring Officer.
- 3.6 Accordingly it is necessary for another officer to be designated as Monitoring Officer. The council has recently entered into a Section 113 agreement with Oxfordshire County Council which enables the officers of one council to be placed at the disposal of the other. Oxfordshire County Council has an experienced Director of Law and Governance and Monitoring Officer who is suitably qualified for the role as a practicing solicitor.
- 3.7 Through discussions with the Leader of the County Council, senior members at the county council would be happy for Nick Graham to carry out this role and the line management of the governance and legal functions for Cherwell District Council. Nick Graham has also been involved in discussions and would be happy to take up the role.
- 3.8 It is the recommendation of the Chief Executive, fully supported by the current Monitoring Officer that Nick Graham, Director Law and Governance at Oxfordshire County Council, should be appointed to this role with effect from 1 November 2018, this will allow a period of transition to take place prior to James Doble leaving the authority.
- 3.9 Subject to his appointment Nick Graham will be requested to appoint at least one Deputy Monitoring Officer to act in his absence or where there might be a conflict of interest between the two councils.

Deputy Electoral Registration Officer

- 3.11 Unlike the post of Deputy Returning Officer which is appointed by the Returning Officer, the post of Deputy Electoral Registration Officer is appointed by full Council. This post has been held by James Doble since 2009 and will need to be filled following his departure from the Council in December.
- 3.12 The Electoral Registration Officer is a post held by the Chief Executive and is responsible for the production and maintenance of the electoral register, their deputy is responsible for making decisions and hearing electoral reviews in their absence or when they are unable to act.
- 3.13 It is recommended that Natasha Clark be appointed to the post of Deputy Electoral Registration Officer. Natasha Clark is an experienced officer of the council and holds the Association of Electoral Administrators certificate. Natasha manages the electoral registration function on a daily basis and is recommended as the officer most suitable to take up this role.

4.0 Conclusion and Reasons for Recommendations

- 4.1 In accordance with statutory requirements it is recommended that Nick Graham be appointed as the Council's Monitoring Officer and Natasha Clark be appointed as Deputy Electoral Registration Officer.

5.0 Consultation

- 5.1 The CDC OCC Joint Partnership Working Group has been consulted and endorses the proposals. The proposed appointees have also been consulted and support the proposals.

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: To appoint alternative officers. This is rejected because Nick Graham and Natasha Clark have the necessary skills and experience to fulfil the roles.

Option 2: Not to appoint a Monitoring Officer. This is rejected as the Council is legally required to appoint. Not to appoint a Deputy Electoral Registration Officer this is rejected as this would cause operational difficulties in the absence of the Electoral Registration Officer.

7.0 Implications

Financial and Resource Implications

- 7.1 There are no financial implications arising directly from this report. The role of Monitoring Officer is included within the salary budget for the Assistant Director Law and Governance which will remain vacant after the current Monitoring Officer leaves

the authority. This budget will be used to compensate the county council for the services of Nick Graham.

Comments checked by:

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Legal Implications

- 7.2 These are set out in the body of the report. It is necessary for full council to approve the appointment of a monitoring officer and recommended to appoint a Deputy Electoral Registration Officer.

Comments checked by:

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8.0 Decision Information

Wards Affected

All.

Links to Corporate Plan and Policy Framework

Not applicable – this report is made pursuant to a statutory requirement.

Lead Councillor

Councillor Barry Wood, Leader of the Council.

Document Information

Appendix No	Title
N/A	N/A
Background Papers	
N/A	
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