

REPORT TO	Cabinet Council
DATE	4 th March 2010 4 th March 2010
SUBJECT	Proper Officer Functions
WARDS AFFECTED	All
REPORT OF	Chief Executive
CONTACT OFFICER	Mr M Fogg Director of Corporate Services
EXEMPT/ CONFIDENTIAL	No

PURPOSE/SUMMARY:

To report a proposal that the statutory duties in relation to Electoral Administration and of the Acting/Returning Officer in relation to Parliamentary, Local, Parish and European Elections, be attached to the post of Assistant Chief Executive, with effect from 1st April 2010.

To propose that the Assistant Legal Director shall assume the role of Monitoring Officer for the Council from 1st April, 2010 until his departure in July 2010, and that the Assistant Director (Democratic Services) shall be appointed as Deputy Monitoring Officer and Proper Officer in relation to the registration of Births, Marriages and Deaths with effect from 1st April, 2010.

REASON WHY DECISION REQUIRED:

The Council must have a Returning Officer for the purposes of elections and electoral registration matters and as a result of structural changes in the Council, it is deemed that these Proper Officer functions should be attached to the post of Assistant Chief Executive.

The Council must have a Monitoring Officer, and following the departure of the Legal Director on 31st March, it is proposed that a review be undertaken to ascertain which post shall assume this role. It is proposed that the Assistant Legal Director shall assume this role from 1st April until he leaves the Council, or until a decision is made regarding this position. Further it is proposed to add resilience, that a Deputy Monitoring Officer be appointed.

The Council must also have an officer responsible for all functions in relation to the

registration of Births, Marriages and Deaths. The Assistant Director (Democratic Services) currently has experience of and line management responsibility for this function.

RECOMMENDATION(S):

That Council be recommended to approve the proposal that the Electoral Registration Officer Functions for the registration of Parliamentary and Local Government Electors and Acting Returning Officer / Returning Officer Functions for Parliamentary, Local, Parish and European Elections under the relevant provisions of the Representation of the People Act 1983 and European Parliamentary Elections Act 2002 be attached to the post of Assistant Chief Executive and the current postholder be appointed to act as the Proper Officer for all related functions and relevant legislation with effect from 1st April, 2010.

That Council be recommended to appoint the Assistant Legal Director as the Monitoring Officer for the Council with effect from 1st April 2010, until he leaves the Council or a decision is made regarding which post shall perform this function: this will allow a review to be undertaken as to which post shall in future perform the role of Monitoring Officer.

That Council be recommended to appoint the Assistant Director (Democratic Services) as the Deputy Monitoring Officer for the Council with effect from 1st April 2010, in order to provide greater resilience to this function: it being noted that the title of this post is likely to change as a result of restructuring, and that this title reflects the current post title.

The Council be recommended to appoint the Assistant Director (Democratic Services) as the Proper Officer for the registration of Births, Marriages and Deaths under the provision of the Local Government Act 1972 and Registration Services Act 1953 and the regulations made thereunder.

KEY DECISION: Not applicable

FORWARD PLAN: Not applicable

IMPLEMENTATION DATE: Following consideration by Full Council

ALTERNATIVE OPTIONS:

That another appropriate person be designated.

IMPLICATIONS:

Budget/Policy Framework: No additional financial implications.

Financial:

The position of Acting/Returning Officer is remunerated. The fee for Parliamentary and European Elections is set by the relevant legislation at the time and the fee in terms of the local election is set in accordance with a Fees and Charges Order approved by the Council. It is intended that there shall be a review of the Fees and Charges Order following the appointment of a new Proper Officer.

There are no direct financial implications associated with the appointment of Monitoring Officer or Deputy Monitoring Officer or the Proper Officer for Births, Marriages and Deaths, as it is assumed this responsibility is within their current grade.

<u>CAPITAL EXPENDITURE</u>	2006/ 2007 £	2007/ 2008 £	2008/ 2009 £	2009/ 2010 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<u>REVENUE IMPLICATIONS</u>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

Legal:

The appointment as proper officer under the Representation of the People Act 1983 and European Parliamentary Act 2002 requires the approval of Full Council under the Council's Constitution.

The Council must have a Monitoring Officer and a Proper Officer for Births, Marriages and Deaths.

Risk Assessment:

The Democratic Services Function currently sits within the Legal Department. It is proposed that the organisational structure be amended to provide that the function transfer to the post of Assistant Chief Executive, to ensure that the postholder is able to discharge the responsibilities of that post in the most effective and appropriate way. The current postholder has relevant experience and expertise to lead this function and to perform the role, as she has acted in the capacity of Deputy Returning Officer for the Council at all elections for a number of years and has experience in other authorities of the function.

It is felt that the appointment of a Deputy Monitoring Officer will provide greater resilience.

Asset Management: Not applicable

CONSULTATION UNDERTAKEN / VIEWS

Chief Executive, Legal Director, Assistant Directors and Assistant Chief Executive.

CORPORATE OBJECTIVE MONITORING:

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		√	
2	Creating Safe Communities		√	
3	Jobs and Prosperity		√	
4	Improving Health and Well-Being		√	
5	Environmental Sustainability		√	
6	Creating Inclusive Communities		√	
7	Improving the Quality of Council Services and Strengthening local Democracy	√		
8	Children and Young People		√	

LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT

None

BACKGROUND:

1.0

1.1 In 2007 the Legal Director assumed responsibility for the Returning Officer's various statutory duties to allow the former Chief Executive to concentrate on other functions. Members will be aware that the Electoral Administration Act 2006 brought in a range of new measures designed to improve public access, engagement and confidence in Local Elections including specific requirements to try and prevent abuse of the postal voting system. The requirements of the Act are ongoing and in particular new regulations now require the Authority to keep polling places and districts under review.

1.2 The Legal Director is taking voluntary early retirement at the end of March and the department is being restructured. It is recommended that the Proper Officer Functions for Elections and Electoral Registration should be attached to the post of Assistant Chief Executive and that the current postholder should assume responsibility for electoral administration and the appropriate Acting Returning Officer / Returning Officer duties for Parliamentary, Local, Parish and European Elections. The current ACE has considerable experience of running elections and electoral administration matters as she has for a number of years, prior to being appointed as ACE (Management) acted as Deputy Returning Officer and managed that function since she joined the Council in 2002.

1.3 It is proposed that Democratic Services (Electoral Services and Committee and Members Services) will transfer to the Assistant Chief Executive, to enable the Proper Officer Functions to be discharged. The appointment as Proper Officer does require approval of Full Council under the Council's Constitution.

1.4 It is proposed that in order to provide greater flexibility with regards to the recruitment to the post of Legal Director, that a review of the Monitoring Officer role be undertaken. It is proposed that the Assistant Legal Director be appointed Monitoring Officer for the Council with effect from 1st April 2010, until his departure or until a decision is made regarding which post should hold the position within the Council. In addition, in order to provide greater resilience, it is proposed that the Assistant Director (Democratic Services) be appointed as Deputy Monitoring Officer from 1st April 2010. The title of this post is likely to change, with the proposed organisational structure changes identified in 1.2 above.

1.5 The Legal Director is in addition currently the Proper Officer for the registration of Births, Marriages and Deaths under the provisions of S112 of the Local Government Act 1972 and the Registration Services' Act 1953 and appropriate regulations. It is proposed that the Assistant Director (Democratic Services) be appointed the Proper Officer upon the retirement of the Legal Director. The postholder is currently the line manager for the service and has considerable experience of this function having also managed the service in her previous Authority.