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| Officer report to: | Council |
| Date: | 2 October 2017 |
| Report of: | Acting Head of Law and Governance |
| Title of Report: | **Designation of Monitoring Officer and Appointment of Returning Officer and Electoral Registration Officer** |

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| Summary and recommendations | | | |
| Purpose of report: | | To designate the role of Monitoring Officer and to appoint a Returning Officer and Electoral Registration Officer | |
| Decision required: | | Yes | |
| Corporate Priority: | | Not applicable. | |
| Policy Framework: | | Not applicable. | |
| Recommendations: That Council | | | |
| 1. | * Designate the newly appointed Head of Law and Governance, Anita Bradley, as the Council’s Monitoring Officer from the date she becomes an employee of the Council in that post. | | |
| 2. | Appoint the new Head of Law and Governance, Anita Bradley as the Council’s Returning Officer and as the Council’s Electoral Registration Officer from the date she becomes an employee of the Council in that post. | | |
| Executive Board Member responsible : | | | Councillor Price, Leader of the Council |

# Appointment of Monitoring Officer

The Council has a duty under Section 5(1) of the Local Government and Housing Act 1989 to designate one of its officers as the Monitoring Officer. The Monitoring Officer may not be the Head of Paid Service or the section 151 Officer.

The Council’s Constitution states in 9.2 that the Head of Law and Governance is the Monitoring Officer. However the appointment of the Head of Law and Governance to the statutory role of Monitoring Officer is not automatic in law, as it must be confirmed by Council.

# Appointment of Returning Officer and Electoral Registration Officer

Section 8 of the Representation of the People Act 1983 requires every district council to appoint an officer of the council to be Electoral Registration Officer.

Section 35 of the Representation of the People Act 1983 requires every district council to appoint an officer of the council to be Returning Officer for district and parish council elections. The role is to ensure that the elections are administered effectively and that, as a result, the experience of voters and those standing for election is a positive one.

The Council’s Constitution does not specify a post to which these offices attach. In law Council must appoint a named officer to these. The Head of Law and Governance has held these offices previously.

The roles of Electoral Registration Officer and Returning Officer have been held since 15 May 2017 by Tim Sadler, Executive Director for Community Services.

1. A Returning Officer any appoint deputies, The Electoral Registration Officer cannot appoint a deputy themselves, unless the power to do so has been delegated to them by the council. The Council appointed Martin John as its Deputy Electoral Registration Officer in February 2004. This appointment remains unchanged.
2. A Returning Officer may appoint deputies; the Electoral Registration Officer cannot appoint a deputy themselves unless the power to do so has been delegated to them by the Council. The Council appointed Martin John as its Deputy Electoral Registration Officer in February 2004. This appointment remains unchanged.

# Date this takes effect

1. It is anticipated that the Council’s new Head of Law and Governance will take up her post on 13 November 2017.

# Financial implications

There are no financial implications.

# Legal issues

It is a requirement in law that Council has officers correctly appointed to and holding the roles of Monitoring Officer, Electoral Registration Officer and Returning Officer.

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| Background Papers: | |
|  | None |