

Officer report to: Council
Date: 30 November 2020
Report of: Head of Business Improvement
Title of Report: Designation of Monitoring Officer and Appointment of Returning Officer and Electoral Registration Officer

Summary and recommendations	
Purpose of report:	To designate the Council's Monitoring Officer and to appoint a Returning Officer and Electoral Registration Officer
Key decision:	No
Cabinet Member:	Councillor Brown, Leader of the Council
Corporate Priority:	All
Policy Framework:	N/A
Recommendations: That Council resolves to:	
1.	Designate the newly appointed Head of Law and Governance, Susan Sale, as the Council's Monitoring Officer with effect from 4 January 2021.
2.	Appoint the newly appointed Head of Law and Governance, Susan Sale, as the Council's Returning Officer and as the Council's Electoral Registration Officer with effect from 4 January 2021.

Introduction

1. The current Head of Law and Governance and Monitoring Officer, Anita Bradley will leave the Council on 3 January 2021 to take up the position of Director of Law & Governance and Monitoring Officer, a joint role across Cherwell District Council and Oxfordshire County Council.

Appointment and designation of Monitoring Officer

2. 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 to be responsible for specified statutory functions. The Monitoring Officer may not be the Head of Paid Service or the section 151 Officer.
3. The Council's [Constitution](#) states in Part 9.2 that the Head of Law and Governance is the Monitoring Officer. However the designation of the Head of Law and

Governance to the statutory role of Monitoring Officer is not automatic in law and the designation must be confirmed by Council.

4. The duties and responsibilities of the Monitoring Officer are summarised in Part 9 of the Council's Constitution.
5. The Appointments Committee is responsible for undertaking the recruitment and selection process for the designated Monitoring Officer (Head of Law and Governance) and for recommending to Council who to designate as Monitoring Officer (paragraphs 7.8(a) and (c) of the Council's Constitution refer).
6. The Appointments Committee met on 27 October 2020 to undertake the recruitment and selection process for the post of Head of Law and Governance and Monitoring Officer. The Committee selected Susan Sale as the preferred candidate.
7. Part 20.6 of the Constitution requires that before an offer of appointment is made to the post of Head of Law and Governance, Cabinet Members must be notified of the proposed appointment and given a period in which to raise objections. The appointment is subject to the Appointments Committee being satisfied that any objection raised is not material or well founded. Cabinet Members were informed of the proposed appointment of Susan Sale as Head of Law and Governance on 3 November 2020 and no objections were raised by the response deadline of 6 November 2020.
8. Subject to the above, the Appointments Committee on 27 October 2020 resolved to recommend to Council to designate the successful candidate, Susan Sale, as Monitoring Officer with effect from 4 January 2021.
9. It is anticipated that Susan Sale will begin her employment with the Council on 11 January 2021 but Susan has agreed to be designated as Monitoring Officer from the earlier date of 4 January 2021.
10. Susan will be joining the Council from Adur District Council and Worthing Borough Council where she has held the roles of Solicitor to the Council and Monitoring Officer at both councils since 2014.

Appointment of Returning Officer and Electoral Registration Officer

11. 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. A Returning Officer may appoint deputies.
12. 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. This role is to maintain:
 - (a) A register of parliamentary electors for each constituency or part of a constituency in the area; and
 - (b) A register of local government electors in the area.
13. The Electoral Registration Officer cannot appoint a deputy themselves, unless the power to do so has been delegated to them by Council. Council appointed the current Electoral Services Manager, Martin John, as Deputy Electoral Registration Officer on 16 February 2004. This appointment remains unchanged.

14. The Council's Constitution does not specify a post to which the roles of Returning Officer and Electoral Registration Officer attach. In law Council must appoint a named officer to these roles. The current Head of Law and Governance holds these offices and it is recommended that Council appoints the incoming Head of Law and Governance, Susan Sale, as Returning Officer and Electoral Registrations Officer. Susan has agreed to be appointed to these roles with effect from 4 January 2021.

Financial implications

15. There are no financial implications arising from the recommendations in this report. The Head of Law and Governance / Monitoring Officer is an established post.

Legal issues

16. The legal requirements for the Council to have officers correctly appointed to and holding the roles of Monitoring Officer, Electoral Registration Officer and Returning Officer are set out in this report. The roles of Monitoring Officer, Electoral Registration Officer and Returning Officer do not need to be held by an employee of the Council in law.

Report author	Andrew Brown
Job title	Committee and Members Services Officer
Service area or department	Law and Governance
Telephone	01865 252230
e-mail	Abrown2@oxford.gov.uk

Background Papers:
None

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