

To: Council
Date: 20 March 2023
Report of: Head of Paid Service
Title of Report: Designation of Interim Monitoring Officer and Appointment of Returning Officer and Electoral Registration Officer

Summary and recommendations	
Purpose of report:	To designate the Council's Interim Monitoring Officer and to appoint a Returning Officer and Electoral Registration Officer
Key decision:	No
Cabinet Member with responsibility:	Councillor Susan Brown, Leader of the Council
Corporate Priority:	All
Policy Framework:	N/A
Recommendation(s): That the Council resolves to:	
1.	Designate the newly appointed Interim Head of Law & Governance, Rhian Davies, as the Council's Interim Monitoring Officer with effect from 03 April 2023;
2.	Appoint Caroline Green, Chief Executive and Head of Paid Service, as the Council's Returning Officer and Electoral Registration Officer with effect from 03 April 2023;

Introduction

1. The current Head of Law and Governance and Monitoring Officer, Susan Sale will leave the Council on 16 April 2023, to take up the position of Joint Executive Head of Legal and Democratic Services at Guildford Borough Council and Waverley Borough Council.

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 nor 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 usually responsible for undertaking the recruitment and selection process for the designated Monitoring Officer (Head of Law and Governance) and for making a recommendation to the Council (paragraphs 7.8(a) and (c) of the Constitution). However, Paragraph 9.3 of the Constitution provides the Head of Paid Service with the authority to make an interim appointment, for up to 12 months, in consultation with Group Leaders.
6. The Head of Paid Service undertook a recruitment process in February 2023 and selected Rhian Davies as the preferred candidate for the interim role.
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 of time in which to raise objections. The appointment is subject to the Head of Paid Service being satisfied that any objection raised is not material nor well founded. Cabinet Members were informed of the proposed appointment of Rhian Davis as Head of Law and Governance on 06 March 2023 and no objections were raised by the response deadline of 08 March 2023.
8. Subject to the above, the Head of Paid Service resolved to recommend to Council to designate the successful candidate, Rhian Davies, as Monitoring Officer with effect from 03 April 2023.
9. It is anticipated that Rhian Davies will begin her interim role with Oxford City Council on 03 April 2023, working on a part-time basis of 3 days per week, and that she will be in post for an interim period of 4 months, pending a recruitment process to the permanent role.

Appointment of Returning Officer and Electoral Registration Officer

10. *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 register of parliamentary electors for each constituency or part of a constituency in the area, and to maintain a register of local government electors in the area. The person holding this post also acts as the Returning Officer for Parliamentary elections, becoming the Acting Returning Officer in such an election.
11. 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 2014. This appointment remains unchanged.

12. *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 the organisation and conduct of its own elections, those for Parish Councils in Oxford, and (at the discretion of the County Council's Returning Officer) as Deputy Returning Officer for any County Council elections within the administrative area of the City. 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 but only for specific electoral events.
13. The Returning Officer also acts as Counting Officer at a referendum (local or national) and Local Returning Officer at elections for the Thames Valley Police and Crime Commissioner.
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. It is recommended that Council appoints Caroline Green, the current Chief Executive and Head of Paid Service, as Returning Officer and Electoral Registrations Officer, and that both appointments be effective from 03 April 2023.

Financial implications

15. The role of Returning Officer attracts a fee; in the case of national elections based on scales prescribed by government and in the case of local elections based on a scale of charges agreed annually by Oxfordshire County Council which is adopted by the City Council under delegated powers.
16. The Head of Law and Governance / Monitoring Officer is an established post and the salary for the permanent role is within the agreed budget. However, there are additional costs arising during the interim period of £16,000.

Legal issues

17. 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.
18. All 3 roles do not need to be held by an employee of Oxford City Council in law.

Equalities impact

19. The recruitment process for the role of Interim Head of Law and Governance was undertaken in compliance with the Council's policies and usual procedures around recruitment which are aimed at ensuring equality in recruitment.

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Background Papers: None
