

Report to the Council

Report of Monitoring Officer: S Hill (Ext 4249) Date: 21 December 2018

Subject: Appointment of Monitoring Officer, Returning Officer and other
 Officer delegations

Recommending:

Monitoring Officer

(1) That Nathalie Boateng, be designated as Monitoring Officer with immediate effect in accordance with Section 5 of the Local Government and Housing Act 1989 and Sections 26-37 of the Localism Act 2011 for the purpose of performing the duties imposed by those sections; and to be responsible for any Parish or Town Councils which are affiliated for the time being to the Epping Forest Standards Committee under Chapter 7 of the Localism Act;

(2) That the existing delegations to the Monitoring Officer set out within appendix 1 to this report be noted;

Returning Officer and Electoral Registration Officer

(3) That, in accordance with the Representation of the People Act 1983 and all related legislation, Derek Macnab, be confirmed as Electoral Registration Officer (ERO) for the Council with immediate effect with authority to appoint deputy or deputies as may be required;

(4) That, in terms of Section 41 of the Local Government Act 1972 and all related legislation, and with immediate effect, Derek Macnab be appointed as Returning Officer for the Council, with authority to act in that capacity for elections to the District Council and all or any parish and town councils within the Epping Forest District, This appointment to continue until a further review of this position when a new chief executive is appointed by the Council;

(5) That the Council's Returning Officer/Electoral Registration Officer be also appointed or authorised to act in respect of all related electoral, poll or referendum duties, including those in relation to County Council elections, elections to the European Parliament (if required), and for national and regional or local polls and referendums;

(6) That, in relation to the duties of Returning Officer or any other electoral, referendum or polling duties arising from such appointment, the Returning Officer shall be entitled to be remunerated in accordance with scale of fees approved by the Council for local elections, or the relevant scale of fees prescribed by a Fees Order in respect of national, regional or European Parliament elections, polls or referendums;

(7) That in all cases where it is a legal requirement or normal practice to do so, fees paid to the Returning Officer shall be superannuable, and the Council shall pay the appropriate employer's contribution to the superannuation fund, recovering such employer's contributions from central government or other local authorities or agencies where this can be done;

(8) That, in relation to the conduct of local authority elections and polls, and elections to the United Kingdom Parliament, and all other electoral duties where the Council is entitled by law to do so, the Council shall take out and maintain in force insurance indemnifying the Council and the Returning Officer against legal expenses reasonably incurred in connection with the defence of any proceedings brought against the Council or the Returning Officer and/or the cost of holding another election in the event of the original election being declared invalid (provided that such proceedings or invalidation are the result of the accidental contravention of the Representation of the People Acts or other legislation governing the electoral process, or accidental breach of any ministerial or other duty by the Returning Officer or any other person employed by or officially acting for him in connection with the election or poll); and

(9) That any such insurance carrying an 'excess' clause by which an initial portion of risk is not insured, the Council, through its internal insurance fund or otherwise, will indemnify the Returning Officer up to the value of such excess.

Other Officer Delegations

(10) That the proposed changes to the Council Scheme of Delegation reflecting changes to the above posts and to the revised responsibilities of level 3 and 4 officers attached at Appendix 1 be approved;

(11) That consequential changes made by the Leader of the Council to the Scheme of Executive Delegation attached at Appendix 2 be noted;

(12) That the Monitoring Officer be granted authority to make changes to the Constitution, as required to reflect the new officer structure.

1. (Monitoring Officer) The Council's Service Director for Governance and Members Services has tendered his resignation and is anticipated to leave the Council at Christmas 2018. The postholder currently also holds the posts of Monitoring Officer, Returning Officer and Electoral Registration Officer.

2. The Council is required to comply with the requirements in accordance with Section 5 of the Local Government and Housing Act 1989 and Sections 26-37 of the Localism Act 2011 requiring the appointment of a Monitoring Officer and under the Representation of the People Act 1983, namely Sections 8, 28(1), 35 and 52(2) respectively, in relation to the appointment of the Council's Returning Officer, and Electoral Registration Officer.

3. It is proposed that, Nathalie Boateng, be appointed as Monitoring Officer. The Council has entered into an agreement with Broxbourne Borough Council to share a Head of Legal Services from January 2019. Part of this arrangement includes the post of Monitoring Officer It is also recommended that the Acting Chief Executive,

Derek Macnab, be appointed to undertake this role until the Council makes an alternative appointment. The Returning Officer and Registration Officer require full authority to act consolidated into a single resolution as set out in the recommendations.

4. The resolution covers the following:
 - (a) matters to which the Monitoring Officer is responsible under statute and delegations under the scheme of delegations from the Council (Appendix 1);
 - (b) the Returning Officer's role in respect of District and Parish and Town Council elections;
 - (c) the Registration Officer's role in respect of County Council, European Parliamentary elections and national/local referendums and polls;
 - (d) the payment of national scale fees to the Returning Officer and their superannuable status;
 - (e) authorisation of indemnity insurance by the Council in respect of the Returning and Registration Officer's functions; and
 - (f) indemnification of the Returning and Registration Officer by the Council of any liability insurance excess.
5. These powers and duties are already shown in the schedule of delegation of Council functions in the Constitution. No new delegations have been proposed.

Other Officer Delegations

6. Since the last meeting, a further rationalisation of the management structure has been proposed at level 3. There are now seven Service Directors. This has necessitated further revisions to both schemes of officer delegation. The Council Scheme (Appendix 1) is a matter for Council to approve, the Executive Scheme (Appendix 2), is a matter for the Leader and is for noting only.
7. Across the wider Constitution, there is a need to ensure that officer titles reflect the new structure. It is requested that the Monitoring Officer be given authority to make changes to titles and posts as required.