



Designation of Statutory and Proper Officer Roles

SUMMARY

- 1.1 With the Director of Governance leaving the Council in April 2018, this will result in a number of 'proper officer and statutory officer' roles currently held by this postholder needing to be reallocated. This report seeks Council approval to reallocate these roles.

RECOMMENDATION

- 2.1 To agree to the establishment of an Interim Director of Legal and Democratic Services, and to agree that Glen O'Connell be appointed to the post on an interim basis with effect from 19 March 2018.
- 2.2 To note and approve a departure from Officer Employment Procedure Rules OE9 and OE11 as detailed in paragraph 4.9 and 4.10 of this report.
- 2.3 To designate the newly appointed Interim Director of Legal and Democratic Services as Monitoring Officer, in accordance with Section 5 of the Local Government and Housing Act 1989 with effect from his appointment until such time as permanent arrangements are made.
- 2.4 To designate Christine Durrant as the Council's Interim Electoral Registration Officer and Returning Officer in accordance with the Representation of the People Acts with effect from 13 April 2018.
- 2.5 To designate Bernard Fenton (Head of Customer Services) as the Acting Proper Officer for the Registration of Births, Deaths, Marriages and Civil Partnerships in accordance with the Registration Services Acts with immediate effect.
- 2.6 To note that the Electoral Services and Land Charges Manager is already designated as the Deputy Electoral Registration Officer, and the Returning Officer is empowered by statute to appoint a deputy.

REASONS FOR RECOMMENDATION

- 3.1 To ensure appropriate interim director arrangements are in place in anticipation of a proposed corporate restructure following the appointment of a Chief Executive.
- 3.2 To ensure statutory and proper officer posts are appropriately covered in the short term.

SUPPORTING INFORMATION

Interim Director of Legal and Democratic Services

- 4.1 The first phase of the Council's senior management restructure includes the establishment of a Director of Human Resources and Organisational Development. This was approved by Personnel Committee on 15 February 2018. This new post will account for a significant part of the existing responsibilities of the Director of Governance. Subject to this report, it is proposed that responsibility for Internal Audit and Risk functions be transferred to the Interim Strategic Director of Corporate Resources.
- 4.2 The remaining parts of the responsibilities of the existing Director of Governance will be addressed in the second phase of the restructure. It is anticipated this will follow the permanent appointments of a new Chief Executive and Strategic Director of Corporate Resources in the summer.
- 4.3 An interim solution is therefore required. It is proposed that an Interim Director of Legal and Democratic Services post be established, to be responsible for Legal Services, Democratic Services, Land Charges and Elections.
- 4.4 Glen O'Connell is a very experienced former Corporate Director for Resilience and Monitoring Officer at Nottingham City Council and has been identified by the Deputy Chief Executive as a very suitable, interim appointment. Glen has met with the Cabinet Member for Finance and Governance and the Deputy Chief Executive and is considered to have the necessary skills and expertise to undertake the role.
- 4.5 It is therefore proposed that Glen O'Connell be appointed with effect from 19 March 2018 until permanent arrangements for the management of these services is confirmed.

Designation of Monitoring Officer

- 4.6 Every council is required to have a Monitoring Officer under Section 5 of the Local Government and Housing Act 1989. The Act requires that the Monitoring Officer designation be approved by Council. Although the current Monitoring Officer remains in post until April, Council is not scheduled to meet again until the Annual Meeting on 23 May 2018. It is pertinent to make arrangements now.
- 4.7 It is therefore proposed that Glen O'Connell be designated as Monitoring Officer with effect from his appointment as Interim Director of Legal and Democratic Services, having previously held the role with Nottingham City Council from 2005 to July 2017 when he retired.
- 4.8 Permanent arrangements for the designation of Monitoring Officer will be made as part of phase two of the senior management restructure.

Officer Employment Procedures

- 4.9 For appointments to a service director, it would be normal practice under Officer Procedure Rule OE11 for a panel of members to interview a candidate or candidates. For the appointment of a Monitoring Officer, Council would normally make the decision following a recommendation from such a panel under Rule OE9.
- 4.10 Given the interim nature of the proposed appointment and the necessity for the post and roles to be filled, in order to avoid delay and potential risk to the Council, it is recommended that appropriate arrangements are in place as soon as possible by departing from Rules OE9 and OE11 on this occasion. Council agreed a similar departure from the rules in January 2018 in making appointments to the Interim Strategic Director of Corporate Resources and Acting Chief Executive.

Electoral Registration Officer and Returning Officer

- 4.11 The Representation of the People Act 1983 requires that the Electoral Registration Officer designation, and its deputy, be approved by Council. No changes are proposed to the designation of the existing deputy, the Electoral Services and Land Charges Manager. Both the Electoral Registration Officer and Returning Officer roles are currently held by the Director of Governance.
- 4.12 With the departure of the Director of Governance in April 2018, it is proposed that Christine Durrant be designated as Electoral Registration Officer and Returning Officer. Christine is experienced in supporting elections and is of suitable seniority for the individual accountabilities which accompany this key position.
- 4.13 Council is not required to ratify the appointment of a Deputy Returning Officer. This authority rests with the Returning Officer.

Proper Officer for the Registration of Births, Deaths, Marriages and Civil Partnerships

- 4.14 The Registration Services Act 1953 (and the Statistics and Registration Services Act 2007) require the appointment of a Proper Officer for the Registration of Births, Deaths, Marriages and Civil Partnerships. This role is also currently held by the Director of Governance.
- 4.15 It is recommended that Bernard Fenton be designated as the Acting Proper Officer for this post in the short term until phase two of the new senior management structure is implemented. Bernard is the Council's Head of Customer Services where the registration of Births, Deaths, Marriages and Civil Partnerships is currently located.

OTHER OPTIONS CONSIDERED

- 5.1 Undertaking full recruitment procedures to make an interim appointment following a selection process would be an alternative option. However, because of the time constraints, this was considered neither appropriate nor suitably expedient given the interim nature of the service director role and the statutory Monitoring Officer Role. It is therefore proposed to fill the above posts by the recommended postholders.

For more information contact:

Background papers:

List of appendices:

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None

Appendix 1 – Implications

IMPLICATIONS

Financial and Value for Money

- 1.1 The cost of these proposals amounts to £53,000 and relate solely to the appointment of the Interim Director of Legal & Democratic services. Assuming an engagement period of 6 months this cost can be contained within existing budgets. All other proposals are cost neutral.

Legal

- 2.1 Approval of the recommendations will ensure compliance with the necessity to designate statutory and proper officer roles as detailed in the report.

Personnel

- 3.1 None beyond direct impact on the proposed appointees.

IT

- 4.1 None.

Equalities Impact

- 5.1 None.

Health and Safety

- 6.1 None.

Environmental Sustainability

- 7.1 None.

Property and Asset Management

- 8.1 None.

Risk Management and Safeguarding

- 9.1 None.

Corporate objectives and priorities for change

- 10.1 None.