

Full Council

11th September 2018



Report of:	Chair of Selection Committee
Title:	Appointment of Monitoring Officer, Electoral Registration Officer and Returning Officer
Ward:	Not applicable
Councillor Presenting Report:	Councillor Craig Cheney (Chair of Selection Committee)
Contact Telephone Number:	(0117) 92 22000

Recommendation

1. That Tim O’Gara be appointed to the roles of Monitoring Officer, Electoral Registration Officer and Returning Officer with effect from 1st November 2018.

Summary

The report seeks the agreement of the Full Council to appoint the candidate nominated by the Selection Committee as Director: Legal & Democratic Services on 1st August 2018 to the roles of Monitoring Officer, Electoral Registration Officer and Returning Officer

The significant issues in the report are:

- Tim O’Gara will commence employment on 1st November 2018 as Director: Legal and Democratic Services.
- The Council’s Constitution requires that the Full Council approves the appointment to the roles of Monitoring Officer, Electoral Registration Officer and Returning Officer before an offer is made to the nominated candidate.
- These roles are currently an intrinsic part of the role of Director: Legal & Democratic Services.
- There is no separate remuneration for the role of Monitoring Officer and Electoral Registration Officer. Fees for Returning Officer duties are set from time-to-time by the Government (in respect of national elections) and the Council (in respect of local elections).
- The terms and conditions for the role of Director: Legal and Democratic Services are set by the Human Resources Committee.



Policy

1. The Selection Committee is responsible for recommending to Full Council the appointment to the roles of Monitoring Officer, Electoral Registration Officer and Returning Officer.
2. The pay of all Executive Directors and Directors is set by the Full Council through the Pay Policy Statement.
3. There is no separate remuneration for the role of Monitoring Officer or Electoral Registration Officer. Fees for Returning Officer duties are set from time-to-time by the Government (in respect of national elections) and the Council (in respect of local elections).
4. The terms and conditions of Executive Directors and Directors are set by the Human Resources Committee.
5. The Council is required to appoint a Monitoring Officer by law. The Monitoring Officer has 3 distinct roles:
 - 5.1 To report on matters he/she believes are, or are likely to be illegal or amount to maladministration;
 - 5.2 To be responsible for matters relating to the conduct of Councillors and Officer; and
 - 5.3 To be responsible for the operation of our Constitution.
6. The Returning Officer is the person who has the overall responsibility for the conduct of elections in Bristol. They are appointed under the Representation of the People Act 1983. It is the duty of the RO to organise and conduct elections including:
 - The nomination process for candidates and political parties;
 - Provision, administration, security and notification of polling stations;
 - Appointment of staff such as presiding officers and count staff;
 - Preparation and issue of all ballot papers; issue, receipt and counting of postal ballot papers;
 - Organising and delivering the count and declaration of results;
 - Receipt of all candidates' election expenses returns;
 - Presentation of final account and claiming appropriate funding from central government as prescribed.
 - Retention of election documents.
7. The Returning Officer is an officer of the council but the role of the Returning Officer is a personal responsibility independent and separate from their duties as an employee of the council. The Returning Officer may appoint one or more persons to discharge all or any of his/her functions.
8. In the case of a general election, the Electoral Registration Officer is also the Acting Returning Officer. The Lord Mayor is the Returning Officer at Parliamentary elections as an honorary position.

9. The Electoral Registration Officer is the person with statutory responsibility for the creation, maintenance, security and distribution of the register of electors and the absent voters list. The register of electors is based on an annual canvass and monthly rolling registration of all properties. The Electoral Registration Officer takes responsibility for publishing a revised electoral register and issuing monthly alterations notices.
10. The Electoral Registration Officer is an officer of the council but the role of the Electoral Registration Officer is a personal responsibility, independent and separate from their duties as an employee of the council. These two roles of Returning Officer and Electoral Registration Officer are typically combined and performed by a single person.

Consultation

11. Internal

The “Executive Objections Procedure” (Annex 1 to the Officer Employment Rules within the Council’s Constitution) has been followed in relation to the appointment of Director: Legal and Democratic Services.

12. External

Not applicable.

Context

13. The Selection Committee met on 1st August 2018 and interviewed shortlisted candidates for the role of Director: Legal and Democratic Services. A rigorous selection process was followed.

Recommendation

14. That Tim O’Gara be appointed to the roles of Monitoring Officer, Electoral Registration Officer and Returning Officer with effect from 1st November 2018.

Other Options Considered

15. None.

Risk Assessment

16. None.

Public Sector Equality Duties

- 17a) Before making a decision, section 149 Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following “protected characteristics”: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:
 - i) Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.

- ii) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to --
- remove or minimise disadvantage suffered by persons who share a relevant protected characteristic;
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);
 - encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- iii) Foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to –
- tackle prejudice; and
 - promote understanding.
- 17b) An equality impact assessment has not been undertaken in relation to this proposal because it concerns an individual.

Legal and Resource Implications

Legal

“Section 5 of the Local Government and Housing Act 1989 (as amended) confirms the Council has a duty to appoint a Monitoring Officer.

It is also a legal requirement under the Representation of the People Act 1983 that the Council appoint a Returning Officer and an Electoral Registration Officer.”

Advice provided by name Husinara Jones (Solicitor), 24th August 2018

Financial

(a) Revenue

“Provision exists within the Resources Directorate budget for the cost of the Director of Legal and Democratic Services post.”

(b) Capital

“None.”

Advice provided by Chris Holme (Interim Head of Finance), 24th August 2018

Land

Not applicable.

Personnel

“The appointment of the Director: Legal & Democratic Services (including accountabilities as Monitoring Officer and Returning Officer) has been made in accordance with the Council’s Recruitment Policy and Full Council is asked to approve the appointment. The Electoral Registration Officer accountability was not included in the job description when the role was advertised.”

Advice provided by Mark Williams (Head of Human Resources), 29th August 2018

Appendices:

None.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers:

None.