

Bolsover District Council

Council

2nd February 2022

ROLE OF THE RETURNING OFFICER AND INTERIM ROLE OF MONITORING OFFICER

Report of the Leader of the Council

Classification: This report is public

Report By: Sarah Sternberg, Solicitor to the Council and Monitoring Officer

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PURPOSE / SUMMARY

As Members are aware, the Council is recruiting a new Assistant Director of Governance and Monitoring Officer. This post holder is currently also the Council's Returning Officer. This report makes provision for the appointment of a new Returning Officer for the Council and for interim arrangements for the Monitoring Officer until such time as the new post holder in post.

REPORT DETAILS

1 Background

- 1.1 It is necessary for the Council to have a Returning Officer to handle all elections (both planned and unplanned) and an Electoral Registration Officer to deal with electoral registration and the annual publication of Electoral Registers together with the rolling register. These posts are usually held by the same officer.
- 1.2 The Council already has in place an Elections Team led by an Electoral Services Manager. The Manager will still report to and be managed by the Assistant Director Governance and Monitoring Officer (when appointed). However it is proposed in this report that the role of Returning Officer and Electoral Registration Officer be held by the Executive Director of Strategy and Development. This officer has the seniority and experience to carry out the role.
- 1.3 The change will come into force on the 5th February 2022, if approved.
- 1.4 This appointment will be referred to the next Standards Committee as a change to the Delegation Scheme in the Constitution. This will enable all the relevant

changes to be made in the Delegation Scheme. This will not affect the change occurring on the 5th February 2022.

- 1.5 In terms of the Monitoring Officer role, the current post holder is due to leave the Authority on the 5th February 2022. The Post Holder's management responsibilities can be picked up on a temporary basis by the Executive Director of Strategy and Development. However the Monitoring Officer is a statutory role and there must be no gap in the appointment. It is therefore necessary to appoint a temporary Monitoring Officer until the new Post Holder takes up their role.
- 1.6 It is proposed that this statutory role is given to the Team Leader, Non contentious Jim Fieldsend from the 5th February until Council appoints a new Monitoring Officer.

2. Details of Proposal or Information

- 2.1 To make the Executive Director of Strategy and Development the Returning Officer and Electoral Registration Officer and to refer the change to the Standards Committee for inclusion in the Delegation Scheme in the Constitution.
- 2.2 To ensure that there is a Monitoring Officer appointed, to appoint Jim Fieldsend, the Team Leader (Non Contentious) as Monitoring Officer from the 5th February 2022 until such time as a permanent appointment is made.

3 Reasons for Recommendation

- 3.1 The Council must have a Returning Officer and an Electoral Services Officer to take personal responsibility for the running of elections and the electoral register.
- 3.2 The Council must by law have a Monitoring Officer at all times and these proposals ensure that that this will happen.

4 Alternative Options and Reasons for Rejection

- 4.1 It is considered that the proposals in this report are the appropriate ones for the Council.
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RECOMMENDATIONS

1. The Executive Director of Strategy and Development is appointed as Returning Officer and Electoral Services Manager for the Council and that the changes to the Delegation Scheme are recommended to the Standards Committee for inclusion in the Constitution; and
2. Jim Fieldsend is appointed as Monitoring Officer from 5th February until the Council appoints a permanent Monitoring Officer.

Approved by the Portfolio Holder - Cllr Duncan McGregor Executive Member for
Corporate Governance

IMPLICATIONS

Finance and Risk: Yes No

Details:

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details:

By law only the Council itself can appoint a temporary or permanent Monitoring Officer and Returning Officer and Electoral Registration Officer.

On Behalf of the Solicitor to the Council

Staffing: Yes No

Details:

As in the report

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
<p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:</p> <p>BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input checked="" type="checkbox"/></p> <p>NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	No
District Wards Significantly Affected	None directly
<p>Consultation: Leader / Deputy Leader <input checked="" type="checkbox"/> Cabinet / Executive <input type="checkbox"/> SAMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/></p>	Yes Details:

<p>Links to Council Ambition (BDC)/Council Plan (NED) priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.</p>
Not applicable

DOCUMENT INFORMATION

Appendix No	Title
<p>Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)</p>	