



**Report To:** Council  
**Lead Officer:** Human Resources Manager

28 January 2016

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## **APPOINTMENT OF MONITORING OFFICER AND DEPUTY ELECTORAL REGISTRATION OFFICER**

### **Purpose**

1. This report appraises Council of the requirement to appoint a Monitoring Officer and a Deputy Electoral Registration Officer.

### **Recommendations**

2. That Council:
  - a) Note that the individual who currently holds the role of Monitoring Officer has resigned;
  - b) Endorse the recommendation of the Employment Committee to appoint Shirley Tracey as Monitoring Officer;
  - c) Endorse the recommendation of the Electoral Registration Officer to appoint the Electoral Services Manager to act as Deputy Electoral Registration Officer.

### **Reasons for Recommendations**

3. The Local Government & Housing Act 1989 requires every local authority to designate one of its senior officers as the Monitoring Officer. The employee who currently holds this role for South Cambridgeshire District Council will leave employment on 19 February 2016 to take up a position elsewhere.
4. Under the Representation of the People Act 1983, the Council has an obligation to appoint one of its officers to act as Electoral Registration Officer (ERO). At South Cambridgeshire District Council, the Chief Executive has been appointed as ERO. It is considered best practice to also appoint a Deputy Electoral Registration Officer.

### **Background**

#### **Monitoring Officer**

5. The Monitoring Officer has the specific duty to ensure that the Council, its Officers, and its Elected Councillors, maintain the highest standards of conduct in all they do. The main duties of the Monitoring Officer are set out below. The Monitoring Officers' legal basis is found in Section 5 of the Local Government and Housing Act 1989, as amended by Schedule 5 paragraph 24 of the Local Government Act 2000.

The Monitoring Officer's main roles include:

- ensuring that the Council acts and operates within the law. They have a duty to report to the whole Council if the Council has broken or may have broken the law.
  - arrangements to support the Council's functions and activities including regular reviews of the Council's Constitution.
  - supporting the Council's Civic Affairs Committee and helping promote and maintain high standards of conduct by Council members, officers, partners and contractors. Establishing and maintaining a register of interests for elected and co-opted members, including Parish Councillors. The Monitoring Officer also receives complaints about the conduct of District and Parish Councillors and handles them alongside the Council's Independent Person.
  - implementation of the Council's policies which support whistleblowing by staff.
  - the Monitoring Officer is allocated as the Council's proper officer for Access to Information.
6. The role has been undertaken by the Legal and Democratic Services Manager since 2010. The postholder has recently tendered their resignation and will be leaving employment on 19 February 2016.
7. In October 2015, the South Cambridgeshire District Council post of Legal and Democratic Services Manager transferred to Cambridge City Council to form part of the single shared legal service. The future structure of this newly formed service is currently under consultation and therefore it is not appropriate to appoint a Monitoring Officer on a permanent basis at this time.
8. It is proposed to appoint, on an interim basis, Shirley Tracey to undertake the responsibilities of Monitoring Officer for South Cambridgeshire District Council until such time as the structure and roles for the single shared legal service are finalised. Ms Tracey is currently Legal Services Manager/Solicitor Advocate and transferred from Huntingdonshire District Council to the single shared legal service in October 2015. She is currently the Deputy Monitoring Officer at Huntingdonshire District Council.

#### **Deputy Electoral Registration Officer**

9. Under the Representation of the People Act 1983, the Council has an obligation to appoint one of its officers to act as Electoral Registration Officer (ERO). Whilst it is an appointment made by the Council, the ERO is personally responsible for compiling and maintaining the Register of Electors. At South Cambridgeshire District Council, the Chief Executive has been appointed as ERO.
10. It is considered best practice to also appoint a Deputy Electoral Registration Officer. This Officer is then able to act in the absence of the ERO to carry out their full range of statutory functions, some of which (for example registration hearings) have strict legislative deadlines. Unlike appointment as Deputy Returning Officer, appointment of a Deputy Electoral Registration Officer is the responsibility of the Council and not the individual appointed ERO.

Currently, the Council does not have an appointed Deputy ERO.

11. The ERO recommends to Council that the Electoral Services Manager is appointed as her Deputy with full powers, enabling him to act in her incapacity or absence as necessary.

### **Implications**

In the writing of this report, taking into account financial, legal, staffing, risk management, equality and diversity, climate change, community safety and any other key issues, the following implications have been considered:

#### ***Legal***

12. The Local Government and Housing Act 1989, requires all local authorities to appoint a Monitoring Officer.
13. The Representation of the People Act 1983, requires the Council to appoint one of its officers to act as Electoral Registration Officer. It is considered best practice to also appoint a Deputy Electoral Registration Officer.

### **Consultations (including from the Youth Council)**

14. Employees within the new single shared legal service and their representatives are currently being consulted on future structure proposals.
15. The Electoral Services Manager has been consulted on the proposal to appoint a Deputy Electoral Registration Officer.

### **Background Papers**

No background papers were used in the preparation of this report.

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