

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

21 June 2017

**REPORT OF CORPORATE
MANAGEMENT TEAM**

COUNCIL/CABINET DECISION

Leader of the Council – **Councillor Cook**

APPOINTMENT OF STATUTORY OFFICERS

1. Summary

To make various Statutory Officer appointments following the Senior Management Review, implemented in January 2016 and ending of transition arrangements with the retirement of the former Director of Law and Democracy who has performed these statutory roles.

2. Recommendations

1. Cabinet to recommend to Council the appointment of the officers to the statutory officer roles detailed in Appendix 1.
2. Cabinet to approve the statutory officer appointments as detailed in Appendix 2 to this report.

3. Reasons for the Recommendations/Decision

The Council must approve the appointment of named officers to various statutory officer positions which will be left vacant following the retirement of the former Director of Law and Democracy.

4. Members' Interests

Members (including co-opted Members) should consider whether they have a personal interest in any item, as defined in **paragraphs 9 and 11** of the Council's code of conduct and, if so, declare the existence and nature of that interest in accordance with and/or taking account of **paragraphs 12 - 17** of the code.

Where a Member regards him/herself as having a personal interest, as described in **paragraph 16** of the code, in any business of the Council he/she must then, **in accordance with paragraph 18** of the code, consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest and the business:-

- affects the members financial position or the financial position of a person or body described in **paragraph 17** of the code, or
- relates to the determining of any approval, consent, licence, permission or registration in relation to the member or any person or body described in **paragraph 17** of the code.

A Member with a personal interest, as described in **paragraph 18** of the code, may attend the meeting but must not take part in the consideration and voting upon the relevant item of

business. However, a member with such an interest may make representations, answer questions or give evidence relating to that business before the business is considered or voted on, provided the public are also allowed to attend the meeting for the same purpose whether under a statutory right or otherwise (**paragraph 19** of the code)

Members may participate in any discussion and vote on a matter in which they have an interest, as described in **paragraph 18** of the code, where that interest relates to functions of the Council detailed in **paragraph 20** of the code.

Disclosable Pecuniary Interests

It is a criminal offence for a member to participate in any discussion or vote on a matter in which he/she has a disclosable pecuniary interest (and where an appropriate dispensation has not been granted) **paragraph 21** of the code.

Members are required to comply with any procedural rule adopted by the Council which requires a member to leave the meeting room whilst the meeting is discussing a matter in which that member has a disclosable pecuniary interest (**paragraph 22** of the code).

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Leader of the Council – **Councillor Cook**

APPOINTMENT OF STATUTORY OFFICERS

Summary

To appoint Statutory Officers following the Senior Management Review implemented in January 2016 and retirement of the current post holder holding several statutory officer roles.

RECOMMENDATIONS

COUNCIL DECISION

1. Cabinet to recommend to Council the appointment of the officers to the statutory officer roles detailed in Appendix 1.

CABINET DECISION

2. Cabinet to approve the appointment of the officers to the statutory officer roles detailed in Appendix 2.

DETAIL

1. Following a Cabinet approval in September 2015 and a period of staff consultation, the Senior Management Review was implemented in January 2016. The implementation involved the permanent appointment to the new senior management structure and the beginning of a period of managed transition to the new structure with temporary transition arrangements in place to cover succession planning arrangements. The review included the retirement of the Director of Law and Democracy who has continued to hold a number of statutory officer positions until his agreed leave date of 30 June 2017. The Senior Management Review detailed proposals for the responsibility for these statutory roles following the eventual retirement of the former Director of Law and Democracy and in accordance with the relevant legislation Council approval is now sought to the appointment of the Statutory Officers detailed in Appendix 1 and Cabinet approval to the appointments detailed in Appendix 2.
2. It is proposed that the appointments will be effective from the 23 June 2017 being the date following the relevant Cabinet and Council decisions and the Yarm ward by-election on 22 June 2017.

COMMUNITY IMPACT IMPLICATIONS

3. The report was not subject to a Community Impact Assessment.

FINANCIAL AND LEGAL IMPLICATIONS

4. Legislation requires the Council to make various Statutory Officer appointments as detailed in this report.

RISK ASSESSMENT

5. The roles and responsibilities of the Statutory Officer appointments exercise controls and balances to minimise risks to the Council.

COUNCIL PLAN POLICY PRINCIPLES AND PRIORITIES

6. Appointment of Statutory Officer contribute to the development and delivery of a robust governance framework.

CORPORATE PARENTING IMPLICATIONS

7. No direct implications.

CONSULTATION, INCLUDING WARD COUNCILLORS

8. Proposals for future statutory officer responsibilities were included in Cabinet reports and staff consultation on the Senior Management Review which was implemented in January 2016.

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Appendix 1

Statutory Officer Appointments requiring Council Approval

Statutory Officer	Appointment	Legislation/function
Returning Officer - all elections save for Parliamentary General Elections and Parliamentary By Elections	Julie Danks (Deputy Chief Executive)	s. Representation of the People Act 1983
Electoral Registration Officer for Parliamentary General Election and Parliamentary By Elections (and as a result Acting Returning Officer for Parliamentary General Elections and Parliamentary By Elections)	Julie Danks (Deputy Chief Executive)	S 8 Representation of the People Act 1983 and s.28 Representation of the People Act 1983
Electoral Registration Officer – other than Parliamentary General Elections and By Elections	Margaret Waggott (Assistant Director Democratic, Administration and Electoral Services)	S 8 Representation of the People Act 1983
Counting Officer	Margaret Waggott (Assistant Director Democratic, Administration and Electoral Services)	Relevant Referendum Legislation
Deputy Returning Officer	Margaret Waggott (Assistant Director Democratic, Administration and Electoral Services)	s.35 Representation of the People Act 1983

<p>Monitoring Officer</p> <p>(Deputy Monitoring Officers)</p>	<p>Beccy Brown Director - HR, Legal and Communications</p> <p>(Chief Solicitors – Julie Butcher, Ged Morton, Jonathan Nertney)</p>	<p>s. 5 Local Government and Housing Act 1989</p>
<p>Proper Officer</p>	<p>Margaret Waggott (Assistant Director Democratic, Administration and Electoral Services)</p>	<p>Local Government Act 1972 s.83(1-4): To witness and receive declarations of acceptance of office. s.84: To receive written notice of resignation from office. s.88(2): To convene, if necessary, a meeting of the Council when the office of Chairman (Mayor) of the Council is vacant. s.89(1)(B): To receive written notice from two local government electors of a casual vacancy in the office of Councillor. s.96 (1) : Receipt of notices of pecuniary interest s.96(2) : Keeping records of disclosures of pecuniary interest under s.94 and notices under s.96 (1). s.100C(2): To prepare a written summary of proceedings taken by a Committee in private. s.100D(1): To compile a list of background papers to a report to a Committee. s.100D(5)(a): Identifying background papers of reports. s.248: Keeping of roll of freeman. Schedule 12 (paragraph 4(2)(b): To sign and send to all Members of the Council the summons to attend meetings of the Council, specifying the business to be transacted. Schedule 12 (paragraph 4(3): Receiving notice from a member of the address to which a summons to the meeting is to be sent.</p> <p>Local Government Act 1974</p>

		<p>s.30(5) : Notice of Local Government Ombudsman's report.</p> <p>Local Government (Miscellaneous Provisions) Act 1976</p> <p>s.41 : Evidence of resolutions and minutes of proceedings.</p>
<p>Proper Officer</p>	<p>Beccy Brown (Director - HR, Legal and Communications)</p>	<p>Any reference in any enactment prior to the Local Government Act 1972 or any local statutory provision or instrument made before 26 October 1972 to the clerk of a Council or town clerk of a borough which is to be construed as a reference to the Proper Officer of the Council.</p> <p>Local Government Act 1972:</p> <p>s.100B(2) : To decide whether part or the whole of reports should be excluded from public inspection before a meeting if they relate only to items during which the meeting is likely not to be open to the public..</p> <p>s.100B(7)(c): To supply to the press additional material supplied to members of the Council in connection with the item to be discussed..</p> <p>s.100F(2): Identifying which documents contain exempt information not open to inspection by Members of the Council.</p> <p>s.210 : To exercise certain residual functions relating to charities.</p> <p>s.225: To receive and retain documents deposited with the Local Authority.</p> <p>s.229: To certify, for the purpose of any legal proceedings, that a document is a photographic copy of the original document.</p> <p>s.234: To sign any notice, order or other document on behalf of the Authority, any document purporting to be so</p>

		<p>signed being deemed to be issued by the Authority.</p> <p>s.236: To send to Town/Parish Councils a copy of every byelaw made by the Council (and confirmed by the Secretary of State).</p> <p>s.238: Certification of copy of byelaws.</p> <p>Schedule 14(paragraph 25(7): Certification of copies of resolutions (e.g. Council budget decisions).</p>
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Appendix 2

Statutory Officer Appointments requiring Cabinet Approval

Statutory Officer	Appointment	Legislation/Function
Data Protection Officer	Ian Coxon (Assistant Director Business Services and Information)	General Data Protection Regulation
RIPA Officer	Beccy Brown (Director - HR, Legal and Communications)	Regulation of Investigatory Powers Act 2000 and Regulation of Investigatory Powers Act 2016