

AGENDA ITEM

REPORT TO COUNCIL

21 JUNE 2017

REPORT OF SENIOR MANAGEMENT TEAM

APPOINTMENT OF STATUTORY OFFICERS

Summary

Following 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 30th 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**. Approval of Cabinet will be sought to those appointments identified at **Appendix 2**.

RECOMMENDATIONS

1. Recommend to Council the appointment of the officers to the statutory officer roles detailed in **Appendix 1**.

COMMUNITY IMPACT IMPLICATIONS

The report was not subject to a Community Impact Assessment.

FINANCIAL AND LEGAL IMPLICATIONS

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

RISK ASSESSMENT

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

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

CORPORATE PARENTING IMPLICATIONS

No direct implications.

CONSULTATION, INCLUDING WARD COUNCILLORS

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.

Contact Officer: Neil Schneider, Chief Executive
Telephone Number 01642 527000
Email neil.schneider@stockton.gov.uk

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. Local Government Act 1974 s.30(5) : Notice of Local</p>

		<p>Government Ombudsman's report.</p> <p>Local Government (Miscellaneous Provisions) Act 1976 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: 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.. 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.. s.100F(2): Identifying which documents contain exempt information not open to inspection by Members of the Council. s.210 : To exercise certain residual functions relating to charities. s.225: To receive and retain documents deposited with the Local Authority. s.229: To certify, for the purpose of any legal proceedings, that a document is a photographic copy of the original document. s.234: To sign any notice, order or other document on behalf of the Authority, any document purporting to be so 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>
--	--	--

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