

North Tyneside Council

Report to Council

Date: 26 July 2018

ITEM 8

Title: Designation to
Statutory Roles

Portfolio(s): Elected Mayor

Cabinet Member(s): N Redfearn

Report from Service Area: Chief Executive

Responsible Officer: Patrick Melia, Chief Executive

Tel: 0191 643 2001

Wards affected: All Wards

PART 1

1.1 Executive Summary:

The Council is requested to designate an Officer of the Authority to the statutory role of Head of Paid Service in the light of the forthcoming departure from the organisation of Patrick Melia, Chief Executive who is currently designated as the Head of Paid Service.

In view of the departure of Vivienne Geary, the Head of Law and Governance, Council is also requested to designate an officer of the Authority to the statutory role of Monitoring Officer and similarly to allocate the roles of Returning Officer, Electoral Registration Officer and Acting Returning Officer.

The responsibility for the designation of the roles referred to is reserved to full Council.

1.2 Recommendation(s):

It is recommended that:

- (i) The Council designate Paul Hanson as Head of Paid Service, Returning Officer, Electoral Registration Officer and Acting Returning Officer with effect from 1 August 2018.
- (ii) The Council designate Louise Watson as the Monitoring Officer with effect from 1 September 2018

1.3 Forward plan:

The report first appeared on the Forward Plan that was published on 22 June 2018.

1.4 Council plan and policy framework:

This report has no direct relevance to the priorities contained within the Our North Tyneside Plan.

1.5 Information:

Background

The Council is required by Section 4 of the Local Government and Housing Act 1989 to designate an officer of the Authority as Head of Paid Service.

The designation has been held since 4 November 2013 by the current Chief Executive, Patrick Melia.

The Chief Executive is due to leave the organisation on 31 July 2018 and therefore the Council is required to designate an officer of the Authority as Head of Paid Service from 1 August 2018.

The Head of Paid Service role requires the post holder to have responsibility for:

- the manner in which the discharge of the authority's functions is co-ordinated;
- the number and grades of staff required;
- the organisation of staff; and
- the appointment and proper management of the authority's staff.

It is proposed that Paul Hanson, the Authority's Deputy Chief Executive, who will become Acting Chief Executive following Patrick Melia's departure from the Authority, be designated as Head of Paid Service. It is considered appropriate that the Deputy Chief Executive should undertake all the responsibilities of the Chief Executive including that of Head of Paid Service, whilst the post is vacant. It is suggested that this designation be made and remain in place until an appropriate appointment is made to the post of Chief Executive.

The Council is also required by Section 5 of the Local Government and Housing Act 1989 to designate an officer of the Authority as the Monitoring Officer. The designation has been held since 2009 by the current Head of Law and Governance, Vivienne Geary. The Head of Law and Governance is due to leave the organisation on 31 August 2018 and therefore full Council is required to designate an officer of the Authority as Monitoring Officer from 1 September 2018.

It is proposed that Louise Watson, the Authority's deputy Monitoring Officer should undertake the responsibilities of the Monitoring Officer on an interim basis pending completion in due course of a review of the structure of the Senior Leadership Team. The Monitoring Officer has responsibility for oversight of the lawfulness and fairness of decision making in the Authority, supporting the Standards Committee and maintaining the Constitution.

In addition the Head of Law and Governance has fulfilled the roles of Returning Officer, Electoral Registration Officer and Acting Returning Officer since 2009 pursuant to the requirements of the Representation of the People Act 1983. The Returning Officer is the official with responsibility for the arrangements for the election of the Authority's Councillors. The Electoral Registration Officer has the responsibility for the preparation and maintenance of the register of electors and list of absent voters in North Tyneside. The Acting Returning Officer fulfils all the duties and responsibilities relating to the delivery of Parliamentary elections on behalf of the Authority. The reallocation of these roles by the Council is also necessary in order to secure continuity. It is proposed that these roles are undertaken by the Authority's Chief Executive from 1 August 2018, who at that point will be Acting Chief Executive, Paul Hanson.

1.6 Decision options:

Council may choose to:

- Designate Paul Hanson, who will become Acting Chief Executive following the departure from the Council of the Chief Executive, as the Head of Paid Service, Returning Officer, Electoral Registration Officer and Acting Returning Officer
- Designate Louise Watson, the current Deputy Monitoring Officer as Monitoring Officer on the departure of the current Monitoring Officer from the Authority
- Decline to make any or all of the designations and defer the designation(s) to an extraordinary meeting of the Council to enable a suitably qualified Officer as an alternative candidate for the relevant role(s) to be proposed.

1.7 Reasons for recommended option:

The recommended approach fulfils the Authority's duties in relation to the statutory roles referred to. The Council is required to designate officers of the Authority to the roles to comply with legislative requirements and this must take place prior to the departure of the Officers currently fulfilling the roles

1.8 Appendices:

None.

1.9 Contact officers:

Vivienne Geary- Monitoring Officer Tel (0191) 643 5339

Stephen Ballantyne – Legal Manager: Governance and Employment Tel (0191) 6435329

Alison Campbell, Financial Business Manager Tel (0191) 643 7038

1.10 Background information:

The following background papers/information have been used in the compilation of this report and are available at the office of the author.

Representation of the People Act 1983

Local Government and Housing Act 1989

North Tyneside Council Constitution

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

There are no specific financial implications arising from this report.

2.2 Legal

The Authority is required to designate officers of the Authority as the Head of Paid Service and Monitoring Officer pursuant to the Local Government and Housing Act 1989. Appointments to the offices of Electoral Registration Officer and Returning Officer must be made by Council pursuant to the Representation of the People Act 1983.

2.3 Consultation/community engagement

The Elected Mayor and Cabinet Members have been consulted on the proposals.

2.4 Human rights

There are no human rights implications arising from this report.

2.5 Equalities and diversity

There are no equalities and diversity implications arising from this report.

2.6 Risk management

There are no risk management implications arising from this report.

2.7 Crime and disorder

There are no crime and disorder implications arising from this report.

2.8 Environment and sustainability

There are no environment and sustainability implications arising from this report.

PART 3 - SIGN OFF

- Deputy Chief Executive X
- Head of Service X
- Mayor/Cabinet Member(s) X
- Chief Finance Officer X
- Monitoring Officer X
- Head of Corporate Strategy X