

# North Tyneside Council

## Report to Council

### Date: 17 March 2022

#### Title: Designation to Statutory Roles

---

Portfolio(s): Elected Mayor

Cabinet Member(s): N Redfearn

---

Report from Service

Resources

Area:

Responsible Officer:

Janice Gillespie, Director of Resources

Wards affected:

All Wards

---

#### PART 1

##### 1.1 Executive Summary:

Council is requested to designate an officer of the Authority to the statutory role of Monitoring Officer, in the light of the departure from the organisation on 28 February 2022 of Bryn Roberts, Director of Law and Governance who was formerly designated as the Monitoring Officer.

Council is also requested to appoint an officer of the Authority to undertake the roles of Returning Officer and Electoral Registration Officer for the Authority.

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

##### 1.2 Recommendation(s):

It is recommended that:

- (i) Council designate Jacqueline Laughton, Assistant Chief Executive as the Monitoring Officer for the Authority with effect from 17 March 2022
- (ii) Council appoint Paul Hanson as Returning Officer and Electoral Registration Officer for the Authority with effect from 17 March 2022.

##### 1.3 Forward plan:

It has not been practicable to give twenty eight days notice of this report. However, it is required to be considered without the twenty eight days notice being given to ensure that the Authority fulfils its duties under the Local Government and Housing Act 1989 and the Representation of the People Act 1983.

#### **1.4 Council plan and policy framework:**

Appointment to these roles ensures the Authority acts in compliance with prevailing legislation and in turn supports all priorities within the Council Plan.

#### **1.5 Information:**

##### **Background**

The Authority has a duty under section 5 of the Local Government and Housing Act 1989 to designate an officer of the Authority to be known as the Monitoring Officer. The designation has been held since 2019 by the Director of Law and Governance, Bryn Roberts, who left the Authority on 28 February 2022. It is therefore necessary for full Council to transfer those functions and designate an officer of the Authority to be the Monitoring Officer.

It is proposed that Jacqueline Laughton, Assistant Chief Executive should undertake the responsibilities of the Monitoring Officer on an interim basis pending completion in due course of a review of the Authority's arrangements in this regard. The Monitoring Officer has responsibility for oversight of the lawfulness and fairness of decision making across the Authority, maintaining the register of Members' interests, administering the system relating to complaints of Member misconduct, supporting the Standards Committee and maintaining the Authority's Constitution.

It is proposed that the existing Deputy Monitoring Officers will remain in place with an additional Deputy Monitoring Officer being delegated to that role. The Deputy Monitoring Officers will provide support and assistance to the Monitoring Officer as appropriate.

In addition to being designated the Monitoring Officer, Bryn Roberts was appointed the Returning Officer and Electoral Registration Officer for the Authority 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 Returning Officer also acts as an Acting Returning Officer for parliamentary elections and must fulfil all the duties and responsibilities relating to the delivery of such elections on behalf of the Authority. The reallocation of these roles by full Council is necessary in order to secure continuity. It is proposed that the roles of Electoral Registration Officer and Returning Officer are undertaken by the Authority's Chief Executive, Paul Hanson, from 17 March 2022.

#### **1.6 Decision options:**

Council may choose to:

- Designate Jacqueline Laughton, Assistant Chief Executive, as Monitoring Officer
- Appoint Paul Hanson, Chief Executive, as the Returning Officer, Electoral Registration Officer and Acting Returning Officer
- Decline to make any or all of the designations / appointments and defer the designation(s) / appointment(s) to an extraordinary meeting of Council to enable a suitably experienced 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 outlined above. The Authority, through full Council, is required to designate officers of the Authority to the roles referred to in the report to comply with legislative requirements.

## **1.8 Appendices:**

None.

## **1.9 Contact officers:**

Janice Gillespie, Director of Resources Tel (0191) 6435701  
Allison Mitchell, Corporate Assurance Tel (0191) 643 2001  
John Barton, Principal Lawyer Tel (0191) 6435354

## **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  
The Local Authorities (Functions and Responsibilities) Regulations 2000  
North Tyneside Council Constitution including Officer Delegation Scheme

## **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 an officer of the Authority as Monitoring Officer pursuant to Section 5 of the Local Government and Housing Act 1989.

Section 8 of the Representation of the People Act 1983 (the 1983 Act) requires the Authority to appoint an officer to be an Electoral Registration Officer for any constituency or part of a constituency situated in the Borough.

Section 35 of the 1983 Act requires the Authority to appoint an officer to be the Returning Officer. Section 28 of the 1983 Act states that the duties of the Returning Officer for a parliamentary election shall be discharged as the Acting Returning Officer.

A Returning Officer can appoint a deputy or deputies. An Electoral Registration Officer however can only appoint a deputy or deputies with the approval of full Council.

The designation of the Monitoring Officer, the appointment of the Electoral Registration Officer and the appointment of the Returning Officer is a matter for full Council by virtue of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

### 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

Any failure to designate or appoint the officers to the roles referred to above could result in the Authority being challenged for failing to meet its statutory duties.

### 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

- Chief Executive
- Director of Service  n/a
- Mayor/Cabinet Member(s)
- Chief Finance Officer
- Deputy Monitoring Officer
- Assistant Chief Executive