



**Haringey** Council

Agenda item:

**Full Council**

**on**

**22 March 2010**

Report Title: **Statutory Appointments/Designation of Officers**

Forward Plan reference number (if applicable): **N/A**

Report of: **The Chief Executive**

Wards(s) affected: **All**

Report for: **Non-Key Decision**

**1. Purpose (That is, the decision required)**

1.1 To appoint the Chief Executive as electoral registration officer and returning officer for Council elections and to appoint the Assistant Chief Executive for People and Organisational Development as the scrutiny officer.

**2. Recommendations**

- 2.1 That the Chief Executive be appointed as (i) the “registration officer” for the two Parliamentary constituencies within the Borough under section 8 (2) of the Representation of the People Act 1983 and (ii) the “returning officer” for elections of councillors in the Borough under section 35 (1) and (3) of the same Act
- 2.2 That (i) the Assistant Chief Executive for People and Organisational Development be designated as the “scrutiny officer” under section 21ZA of the Local Government Act 2000 and (ii) the scheme of delegation to officers, at Appendix E, Section 9 to the Council’s Constitution, be amended to include the designated “scrutiny officer” as shown in the Appendix to this report.

Report Authorised by: **The Chief Executive**

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**3. Comments of the Chief Financial Officer**

3.1 These statutory appointments are within the scope of the post-holders’ existing

contractual duties and there are no additional cost implications.

#### **4. Head of Legal Services' Comments**

4.1 The legal implications are set out in the body of this report.

#### **5. Local Government (Access to Information) Act 1985**

5.1 Background documents:  
The Council's Constitution

### **6. Electoral Registration Officer and Returning Officer**

- 6.1 Under the existing scheme of delegation to officers within the Council's Constitution (Appendix E, Section 9) the Chief Executive is designated as the "proper officer" for the purposes of being "registration officer" for the parliamentary constituencies within the Borough under section 8 and "returning officer" for elections of councillors in the Borough under section 35 (1) and (3) of the Representation of the People Act 1983.
- 6.2 Because of the particular wording of this legislation, it is advisable for the Council to make specific appointments to the above roles on the succession of a new post-holder to the position of Chief Executive and Head of Paid Service. The other "proper officer" roles under local government legislation do not refer to any specific appointment in addition to the existing provisions of the scheme of delegation to officers, and therefore, only these posts under the Representation of the People Act 1983 are the subject of a specific report and recommendations.

### **7. Scrutiny Officer**

- 7.1 Section 31 of the Local Democracy, Economic Development and Construction Act 2009 adds a new section 21ZA to the Local Government Act 2000. The effect of this is to require Councils to designate one of their officers as the "scrutiny officer". This provision will come into force on 1 April 2010.
- 7.2 The functions of the "scrutiny officer" are: -
- (a) to promote the role of the Overview and Scrutiny Committee (OSC),
  - (b) to provide support to OSC and its Members, and
  - (c) to provide support and guidance to all Councillors, Cabinet Members and officers in relation the functions of OSC.
- 7.3 The officer designated as "scrutiny officer" cannot be one of the other statutory officers of the Council, namely, the Chief Executive, Monitoring Officer or Chief Financial Officer. The statutory "scrutiny officer" role is plainly a senior and wide-ranging role which would be appropriate for the Assistant Chief Executive for People and

Organisational Development who currently has responsibility for Member support and the servicing of all Committees and the Cabinet.

- 7.4 The new “scrutiny officer” designation should be added to the scheme of delegation to officers at Appendix E, Section 9 which covers the “proper officer” and “specified officer” delegations. The recommended additional text is shown in the Appendix to this report.

## **8. Appendix**

- 8.1 The Appendix to this report is an extract from Appendix E, Section 9 to the Council’s Constitution i.e. the provisions of the scheme of delegation to officers covering “proper officers” and “specified officers”.