

## Bath & North East Somerset Council

MEETING/ DECISION MAKER:	<b>Council</b>	
MEETING/ DECISION DATE:	<b>15<sup>th</sup> January 2015</b>	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	<b>Proper Officer Designations and allocation of Statutory Roles.</b>	
WARD:	All	
<b>AN OPEN PUBLIC ITEM</b>		
<p><b>List of attachments to this report:</b></p> <p>Appendix 1 – Proper Officer Designations</p> <p>Appendix 2 – Allocation of responsibilities relating to Elections and Overview and Scrutiny.</p>		

### 1 THE ISSUE

To update the arrangements for the discharge of functions by the 'proper officer' of the Council and designation of statutory roles.

### 2 RECOMMENDATION

That Council

- 2.1 Approve the arrangements set out in Appendix 1
- 2.2 Authorise the Monitoring Officer & Divisional Director (Legal & Democratic Services) to update the Constitution to give effect to the arrangements approved and
- 2.3 Approve the arrangements set out in Appendix 2 for the Conduct of Elections and Referendums and the Statutory Scrutiny Officer role.

### 3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 None.

### 4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 Local Government Statutes and Statutory instruments make numerous references to an officer being designated as the 'proper officer' for various purposes. The requirement to designate is one that the Full Council needs to

consider and then allocate responsibility for that function to one or more officers who are best placed to discharge those roles.

## 5 THE REPORT

- 5.1 The recent reallocation of responsibilities formerly discharged by the Monitoring Officer & Divisional Director (Legal & Democratic Services) necessitates the transfer of certain 'proper officer' roles to other Divisional Directors.
- 5.2 The opportunity has been taken as part of the process to review existing 'proper officer' roles and other statutory designations and update them to reflect the current arrangements at officer level for the discharge of functions.
- 5.3 It should be emphasised that the designations are not (save in the circumstances set out at 5.1) a change of approach or responsibility but rather an opportunity to ensure that the list of proper officers is up to date and reflects matters such as change of title or previous approved reorganisations.

## 6 RATIONALE

- 6.1 It is desirable to have an up to date list of designations and allocation of statutory roles that reflect the management structure and comply with legal requirements.

## 7 OTHER OPTIONS CONSIDERED

None. The check undertaken has revealed inconsistencies which, if uncorrected, could leave the Council at risk of procedural challenges to decisions.

## 8 CONSULTATION

- 8.1 The Chief Executive and S151 Officer and Group Leaders have been consulted.

## 9 RISK MANAGEMENT

- 9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

<b>Contact person</b>	<i>Vernon Hitchman, Monitoring Officer &amp; Divisional Director (Legal &amp; Democratic Services)</i>
<b>Background papers</b>	<i>List here any background papers not included with this report, and where/how they are available for inspection.</i>
<b>Please contact the report author if you need to access this report in an alternative format</b>	