

# Personnel Committee

20 November 2025



**Reading**  
Borough Council

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<b>Title</b>	Proposed Arrangements for Monitoring Officer, Returning Officer and Electoral Registration Officer Statutory Roles
<b>Purpose of the report</b>	To make a recommendation to Council
<b>Report status</b>	Public report
<b>Executive Director/ Statutory Officer Commissioning Report</b>	Louise Duffield, Executive Director of Resources
<b>Report author</b>	Simon Hill, Acting Democratic Services Manager
<b>Lead Councillor</b>	Councillor Emberson, Lead Councillor for Corporate Services and Resources
<b>Council priority</b>	Ensure Reading Borough Council is fit for the future
<b>Recommendations</b>	<ol style="list-style-type: none"><li>1. That the proposed interim arrangements and recruitment process for the Assistant Director of Legal and Democratic Services / Monitoring Officer be noted.</li><li>2. That it be recommended to Council to appoint the Executive Director of Resources as Returning Officer and Electoral Registration Officer with effect from 19 December 2025.</li></ol>

## 1. Executive Summary

- 1.1. This report outlines the proposed arrangements to follow the upcoming departure of the Assistant Director of Legal and Democratic Services in December 2025. The post currently incorporates three statutory officer roles of Monitoring Officer, Returning Officer and Electoral Registration Officer.
- 1.2. The Council has been advised that there is a challenging market for the recruitment of Monitoring Officers. To safeguard against this and to ensure continuity of cover, it is proposed that there will be an interim appointment for the role of Assistant Director and Monitoring Officer. A full campaign for a Permanent replacement will begin in early 2026.
- 1.3. However, with elections scheduled for May 2026, it is proposed that it would not be appropriate for these to be managed by an interim officer, and further it is vital to have an experienced Officer in this role. Therefore, the Returning Officer and Electoral Registration Officer roles will be proposed to be reallocated to the Executive Director of Resources via a report to Council.
- 1.4. The Council can revisit the permanent arrangements for elections should it wish to, once it has been able to recruit to the substantive Monitoring Officer position.

## 2. Policy Context

- 2.1. The Personnel Committee has authority to appoint the Assistant Director of Legal and Democratic Services and Monitoring Officer through the Personnel (Appointments) Committee process. The Head of Paid Service has delegated authority to make an interim appointment. It is proposed to recruit an interim officer as soon as possible to allow for there to be a handover from the present Monitoring Officer.

- 2.2. The other statutory officer roles of Returning Officer and Electoral Registration Officer are currently assigned to the Assistant Director of Legal and Democratic Services by Council, through the Constitution. A variation to this arrangement will require approval at a Council meeting.
- 2.3. At its meeting on 21 March 2023 Council designated the Legal Services Manager as Deputy Registration Officer (DRO) with full powers to act as Electoral Registration Officer in the absence of the Electoral Registration Officer (Minute 45 refers), an arrangement which is proposed to continue.

### **3. The Proposal**

- 3.1. The role of the Monitoring Officer is critical to the Council's ability to operate lawfully and uphold the highest standards of governance. As the principal adviser on matters of legality and propriety, the Monitoring Officer is responsible for ensuring that the Council, its members, and officers act within the law and adhere to the Council's Constitution. This includes overseeing the ethical framework, handling complaints about member conduct, and intervening where there is a risk of unlawful decision-making or maladministration.
- 3.2. Given the complexity and significance of these responsibilities, it is imperative that the Council is never without Monitoring Officer cover. Any period without such oversight could expose the organisation to legal risk, undermine public confidence, and potentially result in decisions being challenged or overturned. Continuous cover ensures that there is always an accountable officer available to provide guidance, support good governance, and promptly address any issues that may arise, thereby safeguarding the Council's reputation and the integrity of its decision-making processes.
- 3.3. The Council's current plan is to start the permanent recruitment process after Christmas. Time will be needed to run the recruitment process and allow the successful candidate to give notice (likely three months) before a new permanent Monitoring Officer can join the Council. Until that time, the Interim Monitoring Officer will be responsible these duties.
- 3.4. It is essential for the Council to have both a Returning Officer and an Electoral Registration Officer in place at all times to ensure the smooth running of electoral processes and uphold democratic integrity. These statutory roles are crucial for overseeing the organisation of elections, maintaining accurate electoral registers, and guaranteeing that all legal requirements are met. Should a casual vacancy arise and a by-election need to be called, any absence in these appointments could result in delays, procedural errors, or even legal challenges, thereby undermining public trust and the Council's ability to deliver its democratic responsibilities effectively.

### **4. Contribution to Strategic Aims**

- 4.1. The statutory officer roles discussed in the report contribute to meeting the priorities set out in the Council Plan by facilitating the participation of residents in local democracy and ensuring effective governance.

### **5. Environmental and Climate Implications**

- 5.1. There are no environmental or climate implications arising from this report.

### **6. Community Engagement**

- 6.1. There has been no consultation, community engagement or publicity for this matter. It is not required.

### **7. Equality Implications**

- 7.1. Under the Equality Act 2010, Section 149, a public authority must, in the exercise of its functions, have due regard to the need to -
  - eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

7.2. An Equality Impact Assessment (EqIA) is not relevant to the decision.

## **8. Other Relevant Considerations**

8.1. There are no other relevant considerations to report.

## **9. Legal Implications**

9.1. Sections 8(2) and 35 of the Representation of the People Act 1983 set out the requirement for Councils to appoint an Electoral Registration Officer (ERO) responsible for compiling and maintaining the register of electors for their local authority area and a Returning Officer responsible for the administration of Local Government elections. The ERO also serves as the Acting Returning Officer for UK Parliamentary elections.

9.2. Under Section 5 of the Local Government & Housing Act 1989 (as amended), the Council has a duty to appoint a Monitoring Officer who has a number of statutory duties and responsibilities particularly relating to the Council's Constitution and its governance arrangements.

9.3. Michael Graham, Assistant Director of Legal and Democratic Services has agreed these Legal Implications.

## **10. Financial Implications**

10.1. It should be noted that the need to fund an interim member of staff as Monitoring Officer is likely to exceed the current budget provision for the current post-holder. This pressure will be managed within the overall Directorate budgets.

10.2. Dominic Oakeshott has cleared these Financial Implications.

## **11. Timetable for Implementation**

11.1. Michael Graham leaves his post at the end of the calendar year. An interim appointment for Monitoring Officer may be made in advance of this (but this is dependent on the interim recruitment market). This is likely to be a six month appointment.

11.2. It is currently proposed, subject to further advice and agreement on due process, that the recommendation for the Executive Director to assume the role of Returning Officer and Electoral Registration Officer is proposed to an Extraordinary Meeting of Council on 25 November 2025 (on the rising of the other Extraordinary Council meeting of the same date).

11.3. This allows for cover to be in place immediately from the departure of the current postholder. As the post-holder will be on annual leave over Christmas, it is proposed to start the cover from 24<sup>th</sup> December 2025.

## **12. Background Papers**

12.1. There are none.