

EXTRAORDINARY COUNCIL

Meeting held in the Council Chamber, Council Offices, Urban Road, Kirkby-in-Ashfield,

on Thursday, 5th September, 2019 at 7.00 pm

Present: Councillor Tony Brewer in the Chair;

Councillors John Baird, Kier Barsby,
Jim Blagden, Ciaran Brown, Melanie Darrington,
Samantha Deakin, Dale Grounds,
Andrew Harding, David Hennigan, Tom Hollis,
Rachel Madden, Sarah Madigan, David Martin,
Andy Meakin, Lauren Mitchell, Keir Morrison,
Warren Nuttall, Matthew Relf, Kevin Rostance,
Phil Rostance, Dave Shaw, John Smallridge,
Helen-Ann Smith, David Walters, Lee Waters,
Caroline Wilkinson, Daniel Williamson,
John Wilmott and Jason Zadrozny.

Apologies for Absence: Councillors Chris Baron, Christian Chapman,
Andy Gascoyne, Arnie Hankin and Trevor Locke.

Officers Present: Lynn Cain, Richard Crossland, Ruth Dennis,
Peter Hudson, Robert Mitchell, Paul Parkinson,
Mike Joy and Shane Wright.

C.29 Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests

The Council's Director of Legal and Governance (and Monitoring Officer), Ruth Dennis, declared an interest in relation to agenda item 4 (Electoral Registration Officer and Returning Officer). Her interest arose from the fact that the recommendation (as contained in the report) asked for the appointment of Mrs. Dennis as the Electoral Registration Officer and Returning Officer for an agreed interim period.

C.30 Appointment of the Head of Paid Service

Council was requested to consider a recommendation from the Chief Officers' Employment Committee held on 13th August, 2019 in relation to the appointment of a new Head of Paid Service.

Members took the opportunity to voice their appreciations and good wishes to Rob Mitchell, as it was the last Council meeting he would be attending prior to his departure to take up a new Chief Executive role at Charnwood Borough Council.

RESOLVED

that Carol Cooper-Smith be appointed as the Council's Head of Paid Service from 23rd September, 2019.

C.31 Electoral Registration Officer and Returning Officer

Council was requested to consider the appointment of an Electoral Registration Officer (ERO) and Returning Officer (RO) and determine all consequential issues for the interim period following the imminent departure of the current ERO/RO.

(The Council's Director of Legal and Governance (and Monitoring Officer), Ruth Dennis, had previously declared an interest in respect of this item. Her interest was such that she left the room and took no part in the ensuing discussions regarding the matter.)

Having acknowledged the current political climate and recent indications of a possible snap general election, an amendment was made to the recommendation to make the appointments with immediate effect rather than from 23rd September, 2019 as stated in the report.

RESOLVED that

- a) with immediate effect, Ruth Dennis, Director of Legal and Governance (Monitoring Officer), be authorised and appointed:
 - a. As the Electoral Registration Officer (ERO) for the Council pursuant to Section 8(2)(a) of the Representation of the People Act 1983;
 - b. As the Returning Officer (RO) pursuant to Section 35(1) of the Representation of the People Act 1983 with authority to act in that capacity for elections to the Council and all or any Parish Councils within the Council's administrative area; and
 - c. To act in respect of all related electoral, poll or referendum duties, including elections to the County Council, European Parliament and for national and regional polls or referenda.
- b) with immediate effect, Ian Dobson, Service Manager Electoral Services be authorised and appointed as Deputy Electoral Registration Officer pursuant to Section 52(2) of the 1983 Act;
- c) with immediate effect, it be confirmed that the appointment of Robert Mitchell as ERO/RO is no longer operable;
- d) in relation to the duties of Returning Officer (RO), or any other electoral referendum or polling duties arising from such appointment, the Returning Officer (RO) shall:
 - a. Be entitled to be remunerated in accordance with the scale of fees approved from time to time in respect of the District, Parish and Nottinghamshire County Council for local elections; and

- b. Be entitled to be remunerated in accordance with the relevant scale of fees prescribed by a Fees Order in respect of national, regional or European Parliament elections, polls or referenda; and
 - c. In all cases where it is a legal requirement or normal practice to do so, fees paid to the Returning Officer (RO) shall be superannuable and the Council shall pay the appropriate employer's contribution to the superannuation fund, recovering such employer's contributions from Central Government or other local authorities or agencies where this can be done.
- e) in relation to the conduct of local authority elections and polls, and elections to the United Kingdom Parliament, and all other electoral duties where the Council is entitled by law to do so, the Council shall take out, and maintain in force, insurance indemnifying the Council and the Returning Officer (RO) against:
- a. legal expenses reasonably incurred in connection with the defence of any
 - b. proceedings brought against the Council, or the Returning Officer (RO); and/or
 - c. the cost of holding another election in the event of the original election being declared invalid;

provided that such proceedings or invalidation are the result of the accidental contravention of the Representation of the People Acts, or other legislation governing the electoral process, or accidental breach of any ministerial, or other duty, by the Returning Officer (RO), or any other person employed by, or officially acting for her in connection with the election or poll). Also, that, in the event of such insurance carrying an 'excess' clause by which an initial portion of risk is not insured, the Council, through its internal insurance fund or otherwise, will indemnify the Returning Officer (RO) up to the value of such excess.

C.32 Capital Programme Amendment

Council considered a proposed amendment to the timing of the Capital Programme and a request for the release and reinvestment of a principal amount following the previous sale of a commercial property.

RESOLVED that

- a) the changes to the timing of the Capital Programme, as detailed within the report, be approved;
- b) authorisation be given for the release and reinvestment of the principal amount invested arising from the sale of a commercial property investment in April 2019.

C.33 Changes to Committee Memberships

Council was requested to consider two changes to Committee memberships as requested by the Ashfield Independent Group.

RESOLVED

that the following changes be made to the Council's Committee memberships:

Committee:	Member to be Removed:	Member to be Added:
Overview and Scrutiny Committee	Cllr. Melanie Darrington	Cllr. Jim Blagden
Scrutiny Panel A	Cllr. Melanie Darrington (Chairman)	Cllr. David Walters (Chairman)

The meeting closed at 7.40 pm

Chairman.