

Summary Sheet

Council Report

Title

Appointment of a Returning Officer, Registration Officer and Deputy Registration Officer

Is this a Key Decision and has it been included on the Forward Plan?

This is not a key decision.

Director Approving Submission of the Report

Strategic Director of Resources

Report author(s):

Simon Cooper, Human Resource Manager

Ward(s) Affected

All

Executive Summary

The report advises members of the requirement to ensure that continuing appointments for a returning officer for elections and a registration officer and deputy registration officer for electoral registration are in place.

Recommendations

The appointment of Stuart Fletcher, Service Manager (Legal and Democratic Services) as Returning Officer for local government elections;

The appointment of Stuart Fletcher as Registration Officer; and the appointment of Neil Concannon, also a Service Manager (Legal and Democratic Services) as Deputy Registration Officer.

To approve the temporary amendment to the Council's Scheme of Delegation to enable Stuart Fletcher to undertake the "Proper Officer Provisions" described in the report.

All the above recommendations to be effective from the date of the Council Meeting, 16th September 2015.

List of Appendices Included

None

Background Papers

None

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

Yes

Exempt from the Press and Public

No

Appointment of a Returning Officer, Registration Officer and Deputy Registration Officer

1. Recommendations

- 1.1 The appointment of Stuart Fletcher, Service Manager (Legal and Democratic Services) as Returning Officer for local government elections;
- 1.2 The appointment of Stuart Fletcher as Registration Officer; and the appointment of Neil Concannon, also a Service Manager (Legal and Democratic Services) as Deputy Registration Officer.
- 1.3 To approve the temporary amendment to the Council's Scheme of Delegation to enable Stuart Fletcher to undertake the "Proper Officer Provisions" described in the report.
- 1.4 All the above recommendations to be effective from the date of the Council Meeting, 16th September 2015.

2. Background

- 2.1 Following the resignation of the Assistant Director of Legal and Democratic Services who was the Council's Returning Officer and Registration Officer, it is necessary to make appointments to these positions to cover the period until the posts of Chief Executive and Assistant Director of Legal Services which are being advertised shortly, have the new postholders in position. If all goes according to plan this will be in early 2016.

3. Key Issues

- 3.1 Section 35 of the Representation of the People Act 1983 requires every "district council" to appoint an officer of the council to be returning officer for elections of district or parish councillors. The returning officer may then appoint one or more persons as deputy returning officer(s).
- 3.2 Section 8 of the same Act 1983 requires every district council to appoint an officer to be registration officer for any constituency or part of a constituency in the area of the council. It also provides for the duties and powers of the registration officer to be carried out by a deputy approved by the council.
- 3.3 Section 28 of the 1983 Act provides for the registration officer to act as returning officer at parliamentary elections and allows him or her to appoint deputies.

3.4 The Council's Scheme of Delegation provides for the posts of Registration Officer and Returning Officer to be undertaken by the Chief Executive. The Chief Executive is also appointed as the proper officer for the purposes of S83 of the Local Government Act 1972 and as Returning Officer, is appointed as proper officer to receive notifications and delivery of documents in distinct council elections. All of these functions are described as the "Proper Officer Provisions" in the Scheme of Delegation. Until the permanent post of Chief Executive is appointed to, the Council needs to resolve to replace the current delegations in the Scheme of Delegation, with those described in section 1 above.

4. Options considered and recommended proposal

- 4.1 It is essential that proper, settled arrangements are in place for the positions set out in section 3 of this report, until the appointment of a new, permanent Chief Executive and a permanent Assistant Director of Legal Services.
- 4.2 Although we have an Interim Assistant Director Legal Services who is very experienced in elections, and will be available to advise on these issues, it is felt by commissioners to be more appropriate to appoint permanent staff to these positions. Following a principle of utilising officers who have experience and understanding of electoral issues, it is proposed that Stuart Fletcher, Service Manager (Legal and Democratic Services), who is currently one of the Deputy Returning Officers and the Deputy Registration Officer, should be appointed as the Returning Officer and the Registration Officer. The Returning Officer will then appoint any deputies necessary as is usual.
- 4.3 With regard to the position of Deputy Registration Officer, the Council is asked to approve Neil Concannon, also a Service Manager in Legal and Democratic Services, to this position.
- 4.4 These appointments will be reviewed following the appointment of a permanent Chief Executive and Assistant Director of Legal Services.

5. Consultation

- 5.1 The proposals have been subject to discussions with the Managing Director Commissioner, the Interim Assistant Director of Legal and Democratic Services, Human Resources and the two officers recommended to hold the positions.

6. Timetable and Accountability for Implementing this Decision

- 6.1 It is proposed that the appointments take effect from the date of the Council meeting, 16th September 2015. The Interim Director of Legal and Democratic Services will provide managerial oversight of the arrangements.

7. Financial and Procurement Implications

7.1 There are no additional financial implications.

8. Legal Implications

8.1 The relevant legislative requirements have been set out in section 3 of this report

9. Human Resources Implications

9.1 Human Resources have been consulted and the individuals who have been proposed for appointment to these positions have also been consulted.

10. Implications for Children and Young People

10.1 Ensuring good governance of the electoral process enables young voters to register to vote and participate fully in the democratic process.

11 Equalities and Human Rights Implications

11.1 Ensuring good governance of the electoral process supports the opportunity for all communities and citizens of the Borough to fully exercise their right to register and vote in both local and national elections.

12. Implications for Partners and Other Directorates

12.1 There are no immediate implications for partners or other Directorates.

13. Risks and Mitigation

13.1 Elections are conducted by the Returning Officer who has a personal responsibility in law. If no valid Returning Officer appointment were in place, elections could not take place and the council would be in breach of the law and voters could be disenfranchised. The proposals set out in this report address this matter.

14. Accountable Officer(s)

14.1 Catherine Parkinson, Interim Assistant Director, Legal and Democratic Services.

Report author(s):

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Approvals Obtained from:-

Strategic Director of Finance and Corporate Services:- Stuart Booth, Strategic Director

Director of Legal Services:- Catherine Parkinson, Interim Assistant Director of Legal and Democratic Services

Head of Procurement (if appropriate):- Not necessary

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