

Division(s):

AUDIT & GOVERNANCE COMMITTEE – 16 SEPTEMBER 2015

COUNTY RETURNING OFFICER APPOINTMENT

Report by the Chief Human Resources Officer

Introduction

1. As a result of the current Chief Executive leaving the Council at the end of September 2015, it is a legal requirement for the Council to appoint a new **County Returning Officer**.
2. The Council is required to appoint a County Returning Officer under Section 35(1) of the Representation of the People Act 1983. The Returning Officer is responsible for the arrangement of elections to the County Council.
3. Under the Council's Constitution, the Audit & Governance Committee retains delegated responsibility for appointing the Council's Returning Officer and it is for the Committee to appoint a suitably qualified person to fulfil the role.

Background and proposal

4. It is generally the chief executive who is appointed as a council's returning officer¹. In July 2015, in view of the Chief Executive leaving the authority, Full Council removed this Council's Constitutional provision that the returning officer be chief executive. This enables the Committee to appoint any person with the requisite skills and experience. A returning officer must have a working knowledge of the relevant legislation governing the conduct of elections. A county returning officer is personally responsible for the administration of the authority's county council elections and for ensuring that that the experience of voters and those standing for elections is a positive one. This includes making sure that lawful procedures are followed, for example, for:
 - Obtaining nominations
 - Arrangements for the printing ballot papers and the provision of polling stations
 - Appointing relevant staff such as presiding officers and poll clerks
 - Securing effective counting of the votes
 - Declaration of the results²

¹ Solace Enterprises publication, *Running Elections*, Roger Morris and Mark Heath, p.67.

² Electoral Commission guidance on Returning Officer responsibilities in local government elections, 2014.

5. Given the requirements of the role, I am recommending the Committee to consider appointing Mr Peter Clark, the current Chief Legal Officer, as the Council's Returning Officer.
6. This is because, Mr Clark, as Chief Legal Officer and Head of Law and Culture, has significant legal and managerial experience of overseeing the Council's elections, having served as Deputy Returning Officer at successive elections. As Head of Law and Culture, he has also had responsibility for the wider democratic and governance framework for elected members, including code of conduct matters. As such, having regard to the responsibilities of the role in paragraph 4, Mr Clark is currently the most sufficiently experienced person, and with the requisite legal knowledge, to fulfil the role of County Returning Officer.

Legal and procedural implications

7. The legal implications have been identified in this report. It is important to reiterate that the Council must appoint a person to be the County Returning Officer to ensure continuity and compliance.
8. As such, the Committee is asked to confirm that such an appointment would take effect on the cessation of the current Chief Executive's employment with the Council.

RECOMMENDATION

The Committee is RECOMMENDED to appoint Mr Peter Clark, the current Chief Legal Officer, as the County Returning Officer for the Council, with effect from the cessation of the current Chief Executive's employment with the Council.

STEVE MUNN
Chief Human Resource Officer.

Background Papers: Nil
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