

Division(s):

AUDIT & GOVERNANCE COMMITTEE – 25 JULY 2018

COUNTY RETURNING OFFICER APPOINTMENT

Report by Director of Law and Governance

Introduction

1. On 10 July 2018, Full Council agreed to appoint Yvonne Rees as Joint Chief Executive and Head of Paid Service of Oxfordshire County Council. This arose from the decision by Cabinet to enter into partnership arrangements with Cherwell District Council. It was agreed by Council that the appointment should commence on 1 October 2018 and it was also decided that the employment of the current Chief Executive and Head of Paid Service, Peter Clark, should cease on 30 September.
2. Peter Clark had been appointed to the statutory role of County Returning Officer in 2015 by this Committee. Under the Council's Constitution, this Committee has the delegated decision making to appoint the County Returning Officer.
3. Because of the decision to appoint Yvonne Rees and to terminate the employment of Peter Clark, the Audit & Governance Committee, under its delegated powers, must make an appointment to the statutory role of County Returning Officer so that there is no discontinuity after 30 September.
4. 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. This report therefore asks the Committee to make an appointment to this role, with effect from 1 October 2018.
5. This report proposes that Yvonne Rees be appointed County Returning Officer given her considerable experience as a Returning Officer and as an Electoral Registration Officer with her current and previous authorities.

Proposal

6. It is generally the chief executive who is appointed as a council's returning officer¹ provided of course that the post holder has the necessary skills and experience.
7. In law, a Council must appoint 'one of its officers' to the role of Returning Officer, responsible for the conduct of any of that authority's elections. A person does not need to be employed directly by that authority; it is necessary

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

only that they are 'one of its officers'. This definition includes any person appointed by the County Council to a role under the partnership arrangements with Cherwell District Council.

8. 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 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
9. Given the requirements of the role, I am recommending the Committee to consider appointing Yvonne Rees as the Council's Returning Officer.
10. Yvonne would bring considerable experience to the role having acted as a representative on the South East Election Board. As well as being Returning Officer for district and parish elections at Cherwell, South Northants and Mole Valley, Yvonne has been Acting Returning Officer for parliamentary elections, and the local Returning Officer for European and Police and Crime Commissioner elections. Yvonne also has significant experience as Counting Officer delivering polls and referenda.
11. The County Council does not need to appoint an Electoral Registration Officer as this function, overseeing the compiling of the electoral register, is the responsibility of district and unitary authorities. However, the experience and knowledge gained from this statutory role is very valuable in the conduct of elections.

Legal and procedural implications

12. 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.
13. The Committee is therefore asked to consider making this appointment, to commence from 1 October 2018. Peter Clark, under the terms of his current status as County Returning Officer, would continue in this position until the end of 30 September 2018 and deal with any electoral issues until that point.

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

14. Cherwell District Council formally agreed to enter into partnership arrangements with the County Council at its meeting on 16 July, these arrangements to include a Joint Chief Executive.

RECOMMENDATION

The Committee is RECOMMENDED to appoint Yvonne Rees, in her capacity as Joint Chief Executive and Head of Paid Service, to the role of County Returning Officer as from 1 October 2018.

Nick Graham
Director of Law and Governance

Background Papers: Nil
Contact Officer: Glenn Watson 07776 997946.