

Divisions Affected - All

COUNCIL

8 February 2022

Appointment of County Returning Officer

Report by Corporate Director Commercial Development, Assets, and Investment

RECOMMENDATION

1. **Council is RECOMMENDED to:**
 - a) **Appoint Anita Bradley as the council's Returning Officer with effect from 9 February 2022 in accordance with Section 35 of the Representation of the People Act 1983.**

Executive Summary

2. Section 35(1) of the Representation of the People Act 1983 requires Oxfordshire County Council to appoint a County Returning Officer. The Returning Officer is responsible for the arrangement of elections to the County Council.
3. The Returning Officer is an officer of the council but the role of the Returning Officer is a personal appointment, independent and separate from their duties as an employee of the council. The Returning Officer may appoint one or more persons to discharge all or any of his/her functions.
4. Subject to the decision to serve notice to end the formal partnership arrangements between Oxfordshire County Council and Cherwell District Council the current joint Chief Executive, who is also the council's Returning Officer, will return to her substantive role as Chief Executive of Cherwell District Council and no longer be an officer at the disposal of the county council. It is therefore necessary for Oxfordshire County Council to appoint a new Returning Officer.
5. Whilst the Council's Constitution (part 7.1, Para 6.3(e)) sets out that the Chief Executive is authorised to undertake "the powers and duties of County Returning Officer for the purpose of Section 35 of the Representation of the People Act 1983", the Act does not require that the Chief Executive of a local authority be appointed Returning Officer. The law states that a council must appoint "one of its officers" to the role of Returning Officer and it is imperative that the officer appointed has the necessary skills and experience.
6. 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.

7. Anita Bradley is currently one of the council's Deputy Returning Officers and it is recommended that Anita be appointed as Returning Officer. Anita would bring considerable knowledge and experience to the role having been a Deputy Returning Officer with full powers in all her local government roles since she started her local government career in 2001.
8. Additionally, Anita was Returning Officer at Oxford City Council from November 2017 to January 2021 responsible for city and parish elections. Anita has been Acting Returning Officer for parliamentary elections and the local Returning Officer for European and Police and Crime Commissioner elections. Anita also has significant experience as Counting Officer delivering polls and referenda.
9. Anita was also the Electoral Registration Officer for Oxford City Council from November 2017 to January 2021. Whilst 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 the statutory role is very valuable in the conduct of elections.
10. Whilst Council has delegated the functions relating to elections specified in Section D of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, which includes the appointment of Returning Officer, to the Audit and Governance Committee, to ensure ongoing compliance with the statutory requirement for the council to have a Returning Officer, and given the short timeframe for a decision, this report is submitted to Council for decision under the provisions of Part 2, Article 9(2) of the council's Constitution which sets out the "Discharge of Functions" arrangements as follows:
 - (a) *Where a committee is specified in the table, the function may be alternatively discharged by the Council.*
11. The Chair of the Audit and Governance Committee and the Chair of Council have been consulted and, having regard to the urgency for the council to have a Returning Officer in place from 9 February 2022 are supportive of this approach.
12. For the reasons set out in the report, Council is recommended to appoint Anita Bradley as the County Returning Officer with effect from 9 February 2022.

Financial Implications

13. There are no additional financial implications arising directly from this report.
14. The position of Returning Officer carries with it fees which are determined from time to time in accordance with the Returning Officers Fees Order set by Parliament. The payment of the fees for county elections is met by the Council. The cost of other national elections is met by the Government Department concerned.

Legal Implications

15. The Council has a statutory duty to appoint a Returning Officer.

Annex: None

Background papers: None

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February 2022