

Subject:	General Election – Returning Officer and Electoral Registration Officer Roles		
Date of Meeting:	6 April 2017		
Report of:	Executive Lead Officer, Strategy, Governance & Law		
Contact Officer:	Name:	Abraham Ghebre-Ghiorghis	Tel: 01273 291500
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Ward(s) affected:	All		

FOR GENERAL RELEASE

By reason of the special circumstances, and in accordance with section 100B(4)(b) of the 1972 Act, the Chair of the meeting has been consulted and is of the opinion that this item should be considered at the meeting as a matter of urgency for the following reason the necessary arrangements need to be in place as soon as possible given the date of the general election and the steps that need to be taken before that.

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 This report seeks the sub-committee's agreement to formally designate the Chief Executive as the Council's Electoral Registration Officer.

2. RECOMMENDATIONS:

- 1.2 That the function of Electoral Registration Officer be delegated to the Chief Executive and that he be appointed as the Acting Returning Officer for general election purposes and as the Council's Electoral Registration Officer for all purposes.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The Council's constitution provides that the Chief Executive is Returning Officer for local elections and the Acting Returning Officer for parliamentary elections.
- 3.2 This is in line with most constitutions and works well. However, the Representation of the People Act 1983 provides that the Returning Officer for general elections is the Mayor, but the function of the Mayor as the Returning Officer is to be discharged by the Acting Returning Officer (with some ceremonial type exceptions.) The Act further provides that the Acting Returning Officer in a general election is the Electoral Registration Officer.

- 3.3 Although the Chief Executive can exercise functions delegated to other Officers, the function of Electoral Registration Officer is not expressly mentioned in the delegations to the Chief Executive. It appears in the delegations to the Lead Executive Officer for Strategy, Governance & Law. For general election purposes, this raises a potential issue and, rather than relying on the general powers of the Chief Executive, it is considered more appropriate to delegate both the Returning Officer and Electoral Registration Officer roles to the Chief Executive.
- 3.4 This is purely a technical amendment to the scheme of delegations and does not change any of the Council policies or practices.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The Council could proceed under the general powers of the Chief Executive to exercise functions delegated to other officers. However, this is not considered the best option so far as the general election is concerned.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 This is a technical amendment and does not change any policy. It is therefore not considered necessary to engage the public.

6. CONCLUSION

- 6.1 Given the comments in the body of the report, it is recommended that the Chief Executive be appointed as the Returning Officer and the Electoral Registration Officer.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 There are no direct financial implications as a result of this change to delegations. General elections are funded from central government grant and costs associated with designated posts are met from this grant.

Finance Officer Consulted: James Hengeveld

Date: 24/04/17

Legal Implications:

- 7.2 These are covered in the body of the report.

Lawyer Consulted: Abraham Ghebre-Ghiorgis

Date: 21/04/17

Equalities Implications:

- 7.3 None

Sustainability Implications:

7.4 None

Any Other Significant Implications:

7.5 None

SUPPORTING DOCUMENTATION

Appendices:

1. None.

Documents in Members' Rooms

None

Background Documents

Council's constitution