



Appointment of Returning Officer

Date: 22 November 2018

Report of the Chief Executive

Recommendations

Council is asked to:

1. Agree to appoint Sarah Ashmead as Returning Officer with immediate effect, and to:
2. Indemnify and keep indemnified the Returning Officer against all costs, expenses, actions, charges, claims, damages, proceedings, and other liabilities sustained in or about the proper execution of their office or otherwise in relation thereto (provided that this indemnity shall not affect the liability of the Returning Officer for the consequence of any criminal action or act of wilful default on their part).

Purpose of this Report

This report seeks the agreement of Council to appoint Sarah Ashmead as the Returning Officer with immediate effect, and provide the necessary indemnity arrangements.

Background

In accordance with Section 35 (1) of the Representation of the People Act 1983 full Council is responsible for the appointment of a Returning Officer. County Councils have different arrangements in place for the appointment process, some councils set out in their Constitution delegated arrangements for a Committee to make this appointment on its behalf. Buckinghamshire County Council's Constitution has no such delegated arrangement in place and therefore this responsibility remains with full Council.

The position of Returning Officer is a statutory and personal appointment separate from the officer holder's other duties in the Council. In carrying out the role, the Returning Officer is personally accountable to the Courts only. For that reason the provisions in the resolution need to be more explicit than would be the case with the ordinary appointment of an employee.

Role of the Returning Officer

The Returning Officer is responsible for:

- the nomination process for candidates;

- provision and notification of polling stations;
- appointment of Presiding Officers and polling clerks;
- appropriate administration and security of polling stations;
- preparation of all ballot papers;
- the count and declaration of results;
- issue, receipt and counting of postal ballot papers;
- all candidates' election expenses returns;
- presentation of final account;
- agreeing the scale of fees & charges for the elections; and
- reclamation of funding from external bodies as prescribed.

In two-tier areas the Returning Officer role is traditionally undertaken by a senior County Council officer who may then delegate the above responsibilities to the district councils through the appointment of senior officers of those councils as Deputy Returning Officers.

In Buckinghamshire the Deputy Returning Officers roles have historically been undertaken by the District Council Chief Executives. Once appointed, the Returning Officer will ensure that Deputy Returning Officers are appointed with delegated powers to run the County Council Elections on their behalf.

The position of County Returning Officer is a personal statutory responsibility. As such it is therefore considered essential that appropriate indemnity arrangements are in place to ensure that the Returning Officer is protected in the event of any claim. Arrangements have been put in place to ensure that the Council's insurance policy provides the necessary insurance cover.

Legal Implications

Legal advice on the content of this report as well as the management of the election process has been provided by Mr Hugh Peart, Head of Legal Services.

**RACHAEL SHIMMIN
CHIEF EXECUTIVE**