



Report to Council

Date:	21 October 2020
Title:	Appointment of Returning Officer
Author and contact officer:	Rachael Shimmin, Chief Executive
Ward(s) affected:	All
Recommendations:	That Nick Graham, Service Director for Legal and Democratic Services, be appointed as the Council's Returning Officer and authority be delegated to the Monitoring Officer to update the Constitution accordingly.

1.0 Executive summary

1.1 In accordance with Section 35 of the Representation of the People Act 1983, the Returning Officer is required to be appointed from among the officers of the Council by the Council. The role of the Returning Officer is one of a personal nature and distinct and separate from their duties as an employee of the council.

2.0 Content of report

2.1 The role of the Returning Officer is to ensure that all elections are administered effectively, and conducted in accordance with the law. The role is separate from duties as an employee of the Council, and the Returning Officer is not responsible to the Council. The role is directly accountable to the courts as an independent statutory office holder.

2.2 Part I, Section 3 of the Council's Constitution sets out the list of Statutory and Proper Officers for the Council. The Deputy Chief Executive was previously appointed as the Council's Returning Officer to fulfil the role for the elections scheduled for the May 2020. With the appointment of the Service Director for Legal & Democratic Services, it is appropriate to transfer this responsibility. The

Council is grateful for the work Sarah Ashmead undertook in preparation for those aborted elections.

2.3 In accordance with the legislation, it is therefore recommended that Council agree to the appointment of Nick Graham (Service Director for Legal and Democratic Services) as the Council's Returning Officer, and the Constitution be updated to reflect the appointment.

3.0 Other options considered

None

4.0 Legal and financial implications

4.1 The Representation of the People Act 1983 Section 35 requires the council to appoint an officer of the council to be the Returning Officer in local elections. Any failure to do so could lead to the council being challenged for failing to meet its statutory duties.

4.2 Responsibility for appointing any Deputy Returning Officer rests with the Returning Officer.

4.3 The appointment of the Returning Officer is a separate role and payment made by government reflects this.

4.4 The Representation of the People Act 1983 makes provision for a scale of expenses to be fixed for the purpose of determining the Returning Officer's expenditure. Elections are categorised as either "local" (i.e. parish, district, county or unitary) or "Parliamentary" (i.e. Westminster).

4.5 Parliamentary elections have their own fees and charges, set by the Cabinet Office and appropriate expenditure on these elections is reclaimed from central government.

4.6 In local elections the Returning Officer is paid a fee based on the number of wards where seats are being contested. Payment for the Returning Officer is subject to a scale of fees issued by the Cabinet Office.

5.0 Consultation with local councillors & community boards

Not applicable

6.0 Communication, engagement & further consultation

Not applicable

7.0 Next steps

The Constitution will be updated to reflect the Council decision.

8.0 Background papers

Section 35 of the Representation of the People Act

