

Appendix 2 – Arrangements relating to Elections and Scrutiny

1 RECOMMENDATION

- 1.1 That under the Representation of the People Act 1983 and all related legislation with effect from 1st June 2015, Dr Jo Farrar be appointed as Electoral Registration Officer.
- 1.2 That under Section 41 of the Local Government Act 1972 and all related legislation, and with effect from 1st June 2015 Dr Jo Farrar be appointed as Returning Officer for the Council, with authority to act in that capacity for elections to the Council and all or any parish and town councils within the Council area.
- 1.3 That the Council's Electoral Registration Officer be authorised to act in respect of all related electoral, poll or referendum duties, including in relation to parliamentary elections, elections to the European Parliament and national and regional polls or referenda.
- 1.4 That it be agreed that in relation to the conduct of local authority elections and polls, and elections to the United Kingdom Parliament, and all other electoral duties where the Council is entitled by law to do so, the Council shall take out and maintain in force insurance indemnifying the Council and the Returning Officer against legal expenses reasonably incurred in connection with the defence of any proceedings brought against the Council or the Returning Officer and/or the cost of holding another election in the event of the original election being declared invalid (provided that such proceedings or invalidation are the result of the accidental contravention of the Representation of the Peoples Act or other legislation governing the electoral process, or accidental breach of any ministerial or other duty by the Returning Officer or any other person employed by or officially acting for her in connection with the election or poll).
- 1.5 That it be agreed that in the event of such insurance carrying an 'excess' clause by which an initial portion of risk is not insured, the Council will indemnify the Returning Officer up to the value of such excess.
- 1.6 That the Head of Legal & Democratic Services (with effect from 1st June 2015) and the Electoral Services Officer be appointed as Deputy Electoral Registration Officers.
- 1.7 That the Policy Development and Scrutiny Lead Officer be designated as the Statutory Scrutiny Officer under Section 31 of the Local Democracy, Economic Development and Construction Act 2009.

2 FINANCIAL IMPLICATIONS

- 2.1 Fees for all National Elections or Referenda or Polls are set nationally by government. Such Elections are intended to be carried out at no cost to the Local Council tax payer.

2.2 It is open to the Council to agree a rate of fees and charges that cover all aspects of the running of Local and Parish and Town Elections so that it may be satisfied as to the cost-effectiveness of the arrangements. A report upon this will be discussed with other authorities in the area and will be submitted to Council for approval in advance of any relevant Elections from June 2015 onwards.

3 THE REPORT

3.1 The Council is required by law to designate one of its officers as Electoral Registration Officer with responsibility for the administration of the Register of Electors and various other assorted responsibilities. Such a designation is a personal one whereby the officer takes upon himself or herself certain individual responsibilities independent of the Council itself.

3.2 The Council is also required to designate one of its officers as Local Returning Officer. Such a person is to be personally responsible for the administration of Local Elections at both principal Council and parish and town Council level. All other responsibilities for the running of Elections, Referenda or Polls (principally Parliamentary and European) are by law conferred upon the person who is the Electoral Registration Officer as set out in 5.1 above.

3.3 Since the Council's inception in 1996, the above two roles have been performed by the Monitoring Officer & Divisional Director (Legal & Democratic Services).

3.4 He will be retiring on the 31st May 2015 and arrangements need to be put in place to discharge the roles outlined in 3.1 and 3.2. It is proposed that the Chief Executive should fulfil these roles.

3.5 Section 9FB of the Localism Act 2000 requires the Council to designate an officer as its Scrutiny Officer. The officer best placed to fulfil this role is the Policy Development & Scrutiny Officer and it is recommended that the post holder be so designated.