

Bath & North East Somerset Council

MEETING:	Council
MEETING DATE:	16 th May 2013
TITLE:	Designation of Electoral Registration Officer, Local Returning Officer and other statutory roles
WARD:	ALL
AN OPEN PUBLIC ITEM	
List of attachments to this report:	
None	

1 THE ISSUE

- 1.1 To consider the re-allocation of the roles of Electoral Registration Officer and Local Returning Officer and designation of the Statutory Scrutiny Officer.

2 RECOMMENDATION

Council is asked to agree that:

- 2.1 That under the Representation of the People Act 1983 and all related legislation with effect from 1st June 2013, Dr Jo Farrar be appointed as Electoral Registration Officer.
- 2.2 Under Section 41 of the Local Government Act 1972 and all related legislation, and with effect from 1st June 2013 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.
- 2.3 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.
- 2.4 That in relation to the duties of Local Returning Officer or any other electoral referendum or polling duties arising from such appointment in respect of parliamentary, European or other elections it be agreed that the Returning Officer should be entitled to be remunerated in accordance with the scale of fees approved from time to time by the Council or the relevant scale of fees prescribed by a fees order in respect of national, regional or European Parliament elections, polls or referenda.

- 2.5 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 him in connection with the election or poll).
- 2.6 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.
- 2.7 That the Monitoring Officer & Divisional Director (Legal & Democratic Services) and Electoral Services Officer be appointed as Deputy Electoral Registration Officers.
- 2.8 To designate the Policy Development and Scrutiny Lead Officer as the Statutory Scrutiny Officer under Section 31 of the Local Democracy, Economic Development and Construction Act 2009.

To note that

- 2.9 The new Local Returning Officer intends to appoint the Monitoring Officer & Divisional Director (Legal & Democratic Services) and Electoral Services Officer as her Deputies.

3 FINANCIAL IMPLICATIONS

- 3.1 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.
- 3.2 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.
- 3.3 Accordingly there are no financial implications arising from the report.

4 CORPORATE OBJECTIVES

It is in the interests of the Council and its area to have in place proper and effective arrangements for the administration of the Democratic Process.

5 THE REPORT

- 5.1 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.
- 5.2 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.
- 5.3 Since the Council's inception in 1996, the above two roles have been performed by the Monitoring Officer & Divisional Director (Legal & Democratic Services). The Council is at any time entitled to review the arrangements and now that the Chief Executive has been in post for a little while it is considered an appropriate time to so do. Discussions have taken place with senior members and with the Chief Executive and the Monitoring Officer and it is proposed that the roles be re-allocated from the Monitoring Officer to the Chief Executive.
- 5.4 A re-organisation of the Council's Scrutiny function has been undertaken following the departure of the former Overview and Scrutiny Officer who was designated under Section 31 of the Local Democracy, Economic Development and Construction Act 2009 as statutory scrutiny officer. The appropriate post to discharge the responsibilities of the post is that of the Policy Development and Scrutiny Lead Officer and Council is asked to formally so designate.

6 RISK MANAGEMENT

Not applicable. There is no risk under either the current or the proposed arrangements to the Council or its corporate reputation and working.

7 EQUALITIES

An equalities impact assessment has not been completed because the proposed arrangements have no implications for any persons or groups of persons with protected characteristics.

8 CONSULTATION

8.1 Consultation has taken place with Group Leaders and the Officers concerned and the Council's Section 151 Officer. The consultation was carried out by discussion and e-mail.

9 ADVICE SOUGHT

9.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

Contact person	<i>William Harding (Head of Human Resources) – 01225 - 477203</i>
Background papers	<i>None</i>
Please contact the report author if you need to access this report in an alternative format	