

Bath & North East Somerset Council

MEETING:	Council	
MEETING DATE:	23 March 2017	
TITLE:	West of England Combined Authority Overview and Scrutiny and Audit Committee arrangements and appointment of Local Returning Officer for the West of England Combined Authority mayoral election.	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report: None		

1 THE ISSUE

- 1.1 The Council is requested to appoint representatives to sit on the West of England Combined Authority Overview and Scrutiny and Audit Committees.
- 1.2 The Council must also appoint a named individual to the role of Local Returning Officer with the responsibility for the administration and conduct of the West of England Combined Authority Mayoral Election in Bath and North East Somerset area, which will be held on Thursday 4 May 2017.

2 RECOMMENDATION

The Council is recommended to:

- 2.1 agree to give effect to The Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 (the Order) and provide nominations to the West of England Combined Authority Overview and Scrutiny and Audit Committee.
- 2.2 agree to the establishment of a voluntary joint scrutiny committee between the Overview and Scrutiny committee established under the Order referred to in recommendation 1 and North Somerset Council.
- 2.2 appoint the current Returning Officer, Maria Lucas as Local Returning Officer for the Mayoral election in May 2017.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 Other than officer time, which will be contained within existing budgets, there are no specific financial implications arising from recommendations 1 and 2.
- 3.2 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). Parliamentary elections have their own fees and charges, set by the Cabinet Office and appropriate expenditure on these elections is reclaimed from central government.
- 3.3 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.
- 3.4 The cost of the election, as well as the local returning officers' fees per constituent council are based on figures set by Cabinet Office for the most recent single election held in all three local authority areas, namely the EU Referendum which was held in June 2016.
- 3.5 The cost of the election, including the Local Returning Officer's fee, will be reclaimed from the Combined Authority. There will therefore be no change to the existing budget and charging arrangements in place as a result of recommendation 3.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The West of England Combined Authority Order 2017 ("WECA Order") came into force on the 8th February 2017.
- 4.2 The Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 requires the WECA to establish an Overview and Scrutiny committee, and an Audit Committee
- 4.3 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. The Combined Authorities (Mayoral Elections) Order 2017 requires that each constituent council must appoint a Local Returning Officer for the combined authority mayoral election to be held on 4th May 2017.

5 THE REPORT

- 5.1. The West of England Combined Authority Order 2017 ("WECA Order") came into force on 8th February 2017. WECA is now constituted as a separate legal body.
- 5.2 In accordance with The Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 the WECA is required to establish two statutory committees:

- i) Overview and Scrutiny Committee and
- ii) Audit Committee.

5.3 The Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 shall come in to force on 8th May 2017. Appointments to these statutory committees must be made in accordance with the proportionality of representation of political groups across the areas of the constituent councils (table 1). The political nominations from the constituent councils is calculated based on population (table 2).

5.4 The political proportionality calculations relevant to the two statutory committees are shown:

Table 1 Overview and Scrutiny Committee & Audit Committee

(* Independents are not a political group)

Party	Total no's of Seats	% of members when taken together	Committee seats based on membership of 11
Conservatives	91	44.17	5 (4.86%)
Labour	58	28.16	3 (3.10%)
Liberal Democrats	39	18.93	2 (2.08%)
Green	12	5.83	1 (0.64%)
Independent*	5	2.43	0 (0.27%)
No party	1	0.49	0 (0.05%)
Total	206	100%	11

Table 2 Population figures for the 3UA area

Area	Population per area	Percentage of area
Bristol	449,328	49.44%
SGC	274,661	30.22%
B&NES	187,874	20.67%
TOTAL	908,863	

5.5 Table 3 shows the nominations list relevant to a Committee of 11 (nominations 1 - 11), these nominations will apply to the Statutory Committees of Overview and Scrutiny and Audit.

Table 3 – Nominations

Seat Number	Council		Nomination
1	Bristol	1 st Nomination	Labour
2	SGC	1 st Nomination	Conservative
3	B&NES	1st Nomination	Conservative

4	Bristol	2 nd Nomination	Labour
5	SGC	2 nd Nomination	Conservative
6	BANES	2nd Nomination	Liberal Democrat
7	Bristol	3 rd Nomination	Green
8	SGC	3 rd Nomination	Liberal Democrat
9	Bristol	4 th Nomination	Labour
10	Bristol	5 th Nomination	Conservative
11	Bristol	6 th Nomination	Conservative

Additional Voluntary Scrutiny Arrangements

- 5.6 The organisational arrangements as set out in the proposed WECA Constitution make provision for the establishment of three Advisory Boards, and the establishment of a joint committee between the constituent councils of the WECA and North Somerset Council. (To comprise the Mayor of the WECA, the Mayor of Bristol and the Leaders of Bath and North East Somerset, North Somerset and South Gloucestershire Councils). The constituent councils are being requested to agree to participate in the joint committee on the basis of waived proportionality in accordance with their current participation in the Senior Leaders Board.
- 5.7 As a consequence of setting up this Joint Committee consideration has been given to adapting the proposed WECA Scrutiny Arrangements to take account of the involvement of North Somerset Council (who are not part of WECA).
- 5.8 North Somerset Council will be asked to participate in a voluntary joint scrutiny arrangement with the Mayor of the WECA and the constituent councils. North Somerset will be asked to make appointments to a voluntary joint scrutiny arrangement to give best effect to the proportionality calculations for the four Unitary Authorities area. The nomination from North Somerset Council to the voluntary scrutiny arrangement cannot displace the proportionality calculations for the statutory Overview and Scrutiny committee. The political proportionality and population figures for the 4UA area are shown in Tables 4 and 5 below. North Somerset Council will, on the basis shown below, be asked to make 2 Conservative nominations to the voluntary joint scrutiny arrangement.
- 5.9 It is proposed that this voluntary joint scrutiny arrangement comes into effect on the same date as the statutory Overview and Scrutiny comes into effect i.e. 8th May 2017

Table 4 Voluntary Joint Scrutiny Arrangement

Party	Total number of seats	% of members when taken together	Committee seats based on membership of 13
Conservatives	127	49.80	(6*) 7
Labour	60	23.53	3
Liberal Democrats	43	16.86	2

Green	13	5.10	1
Independent	11	4.31	1*
No party	1	0.39	
Total	255	100%	13

* Independents are not a political group, in order to achieve proportionality on a committee of 13 it is necessary to discount the allocation to the Independents and allocate the seat to the Conservatives to better reflect the proportionality figure

Table 5 Population figures for the 4UA area

Area	Population per area	Percentage of area
Bristol	449,328	40.16%
SGC	274,661	24.55%
North Somerset	209,944	18.76%
B&NES	187,874	16.52%
TOTAL	1,118,807	100

5.10 On the basis shown above North Somerset will be asked to make 2 Conservative nominations to the voluntary joint scrutiny arrangement.

5.11 Section 35(1) of the Representation of the People Act 1983 requires the council to appoint an officer to be the Returning Officer (RO) in local elections. The Returning Officer (RO) is the person who has the overall responsibility for the conduct of elections in B&NES.

5.11 The Electoral Registration Officer (ERO) is the person with statutory responsibility for the creation and maintenance of the register of electors and the absent voters list. This person takes responsibility for publishing a revised electoral register and issuing monthly alterations notices. The role of the Electoral Registration Officer is a personal responsibility, independent and separate from their duties as an employee of the council. These two roles of Returning Officer and Electoral Registration Officer are typically combined and performed by a single person.

5.12 The RO may appoint one or more persons to discharge all or any of his/her functions. At an election, the Returning Officer may appoint election specific deputies.

5.13 The Returning Officer is the person who has the overall responsibility for the conduct of elections in B&NES and the combined authority election. They are appointed under the Representation of the People Act 1983. It is the duty of the RO to organise and conduct elections. It is the RO's general duty at elections to do all such acts and things as may be necessary for effectively conducting the election for example:

- the nomination process for candidates and political parties;
- provision, administration, security and notification of polling stations;

- appointment of staff such as presiding officers and count staff;
- preparation and issue of all ballot papers; issue, receipt and counting of postal ballot papers;
- organising and delivering the count and declaration of results;
- receipt of all candidates' election expenses returns;
- presentation of final account and claiming appropriate funding from central government as-prescribed.
- retention of election documents.

5.14 A Combined Authority Mayoral election will take place on 4th May 2017 across three council areas, Bristol, South Gloucestershire and Bath and North East Somerset. Bristol Electoral Services is undertaking the Combined Authority Mayor co-ordination. Bristol's Returning Officer will be the Combined Authority Returning Officer (CARO). The person appointed as RO for principal area elections in each local authority is not automatically the local RO for the combined authority mayoral election, hence the need to appoint to the position of Local Returning Officer.

6. OTHER OPTIONS CONSIDERED

6.1 Not applicable

7. CONSULTATION

7.1 The report reflects the views of the WECA and the constituent Councils. A report on the establishment of the Overview and Scrutiny Committee, and its Audit Committee, was presented to the WECA first meeting on the 1 March 2017. This report reflects the recommendations in that report.

8. RISK MANAGEMENT

8.1 Not applicable

Contact person	<i>Maria Lucas</i>
Background papers	<i>None.</i>
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