

<b>Report to:</b>	Council	<b>Date of Meeting:</b>	14 September 2023
<b>Subject:</b>	Proper Officer Functions		
<b>Report of:</b>	Chief Legal & Democratic Officer	<b>Wards Affected:</b>	All
<b>Portfolio:</b>	Regulatory Compliance & Corporate Services		
<b>Is this a Key Decision:</b>	No	<b>Included in Forward Plan:</b>	No
<b>Exempt / Confidential Report:</b>	No		

### Summary:

To report a proposal that the statutory duties in relation to Electoral Administration and of the Returning Officer in relation to Parliamentary, Local, Parish Elections and Referenda be attached to the post of the Chief Executive, Philip Porter with effect from 15 September 2023.

### Recommendation(s):

(1) That the Council be recommended to approve the proposal that the Electoral Registration Officer Functions for the registration of Parliamentary and Local Government Electors and Returning Officer Functions for Parliamentary, Local, Parish Elections and Referenda under all relevant legislation, be attached to the post of the Chief Executive, Philip Porter and the current post holder be appointed to act as the Proper Officer for all related functions and relevant legislation with effect from 15 September 2023.

### Reasons for the Recommendation(s):

It is a Statutory requirement for the Council to have an Officer appointed as the Returning Officer for the Borough in order that any Election or Referenda is legal.

The Council has recently appointed Philip Porter to the post of Chief Executive.

### Alternative Options Considered and Rejected: (including any Risk Implications)

There are no alternative options.

### What will it cost and how will it be financed?

#### (A) Revenue Costs

The position of Returning Officer is remunerated. The fees for Parliamentary Elections and Referenda are set by the relevant legislation at the time, and the fee in

terms of the local elections is set in accordance with a fees and charges order approved by the Council. Fees paid to the Returning Officer for local elections are met from the revenue budget which exists for elections, and fees for other elections are reimbursed by the relevant government body.

**(B) Capital Costs**

Not applicable

**Implications of the Proposals:**

<b>Resource Implications (Financial, IT, Staffing and Assets):</b>	
Details of financial implications are given in the section above.	
<b>Legal Implications:</b>	
The appointment as proper officer under the Representation of the People Act 1983 requires the approval of Full Council under the Council’s Constitution. The Council must have a Monitoring Officer and Proper Officer.	
<b>Equality Implications:</b>	
There are no equality implications.	
<b>Impact on Children and Young People:</b> No	
<b>Climate Emergency Implications:</b>	
The recommendations within this report will	
Have a positive impact	No
Have a neutral impact	Yes
Have a negative impact	No
The Author has undertaken the Climate Emergency training for report authors	No
This is a statutory officer appointment and therefore as no impact.	

**Contribution to the Council’s Core Purpose:**

Protect the most vulnerable: It is a Statutory requirement for the Council to have an Officer appointed as the Returning Officer for the Borough in order that any Election or Referenda is legal. Ensuring that any Election is carried out legally protects the Community at large.

Protect the most vulnerable: N/A
Facilitate confident and resilient communities: N/A

Commission, broker and provide core services: N/A
Place – leadership and influencer: N/A
Drivers of change and reform: N/A
Facilitate sustainable economic prosperity: N/A
Greater income for social investment: N/A
Cleaner Greener N/A

**What consultations have taken place on the proposals and when?**

**(A) Internal Consultations**

The Executive Director of Corporate Resources and Customer Services (FD7360/23.....) and the Chief Legal and Democratic Officer (LD.5560/23....) have been consulted and any comments have been incorporated into the report.

**(B) External Consultations**

None

**Implementation Date for the Decision**

15 September 2023

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**Appendices:**

There are no appendices to this report.

**Background Papers:**

There are no background papers available for inspection.

**1. Introduction/Background**

1.1 There are a number of statutory officers involved in the delivery of electoral services.

1.2 In England, every district council is required to appoint “an officer of the council to

be The Electoral Registration Officer for any constituency or part of a constituency situated in the local authority area (Section 8(2), Representation of the People Act 1983)

- 1.3 Every district council in England shall appoint an officer of the council to be the Returning Officer for the elections of councillors of the district and for the election of any parish councillors in its area (Section 35(1), Representation of the People Act 1983 and Section 35(2), Representation of the People Act 1983).
- 1.4 Once appointed, the Returning Officer will have a number of subtly different designations dependent upon the type of election as follows:

**UK Parliamentary Election Acting Returning Officer**

Section 28(1), Representation of the People Act 1983

**Police and Crime Commissioner Election Local Returning Officer**

Section 54(5), Police Reform and Social Responsibility Act 2011

**Combined Authority Mayoral Election Local Returning Officer**

Article 5, Combined Authorities (Mayoral Elections) Order 2017

- 1.5 The Returning Officer for district council elections is also responsible as Counting Officer for the administration of any referendum required under the Local Government Act 2000 (as amended) relating to the executive governance of the authority (Regulation 9, Local Authorities (Conduct of Referendums) (England) Regulations 2012)
- 1.6 The Returning Officer for district council or London borough elections is responsible as Counting Officer for the administration of any referendum required under the Town and Country Planning Act 1990 (as amended) relating to neighbourhood planning (Regulation 9, Neighbourhood Planning (Referendums) Regulations 2012)