

COUNTY COUNCIL

Meeting date: 23 June 2022

From: Leader of the Council

APPOINTMENT OF RETURNING OFFICER

1.0 EXECUTIVE SUMMARY

- 1.1 *This report recommends to Council that the Chief Executive (Head of Paid Service) is appointed to the role of Returning Officer following a recommendation by the Chief Officers Committee.*

2.0 STRATEGIC PLANNING AND EQUALITY IMPLICATIONS

- 2.1 *There are no direct Strategic Planning or Equality implications arising from this report.*
- 2.2 *The Council is required to appoint a Returning Officer. The decision of Council will ensure that it meets this statutory obligation.*

3.0 RECOMMENDATIONS

- 3.1 That Council approves the RECOMMENDATION from the Chief Officers' Committee that:
1. The role of Returning Officer be included in the designations of the Chief Executive (Head of Paid Service) with effect from 24 June 2022.

4.0 BACKGROUND

- 4.1 At a meeting on 25 May 2022, the Chief Officer Committee removed the role of Returning Officer from the responsibilities carried out by the post of Executive Director Corporate, Customer and Community Services with effect from 24 June 2022. This was due to the resignation of the current post holder and review of arrangements for her post following her departure from the Council on 24 June 2022.

- 4.2 The statutory role of Returning Officer is a legal requirement for all Councils under the Representation of the People Act 1981. The Act requires that every non-metropolitan county council shall appoint an officer of the council to be the returning officer for elections of councillors of the county.
- 4.3 The Council has discretion on which officer to appoint as Returning Officer. On 19 May 2016, the Chief Officer Committee approved the role profile and job specification for the post of Corporate Director – Resources and Transformation. This post was held by Dawn Roberts and later went on to become the post of Executive Director Corporate, Customer and Community Services. The role profile included the responsibility to act as the County’s Returning Officer in elections. Prior to this decision, the County’s Returning Officer had been the Chief Executive.
- 4.4 The responsibility to act as the County’s Returning Officer was no longer included in the Chief Executive/Head of Paid Service role profile following the earlier decision of Council which confirmed the recommendation made by the previous Chief Officer Committee.
- 4.5 It is now timely to consider whether the role should sit within the responsibilities of the post of Executive Director Corporate Customer and Community given the resignation of the current postholder and the decision taken by Chief Officer Committee to adopt a distributed leadership model amongst existing Assistant Directors to fill the duties of the post up to 1 April 2023. This is an important statutory role and whilst the new incumbents could gain any experience that was currently lacking in this area, due to the possibility of an election arising from the notice of vacancy which arisen from a recent member resignation, it is imperative that clarity is provided around the role.
- 4.6 The current Chief Executive is experienced as a Returning Officer and is supportive of the role being included in the terms and conditions of his employment.

5.0 OPTION 1: REALLOCATE THE FUNCTION OF RETURNING OFFICER AND INCLUDE IN THE ROLE OF CHIEF EXECUTIVE

- 5.1 This would provide certainty that the statutory function of Returning Officer is carried out by the Chief Executive who is experienced in carrying out the role.

6.0 OPTION 2: APPOINT AN ALTERNATIVE OFFICER TO THE ROLE OF RETURNING OFFICER

- 6.1 This may result in the statutory role being carried out by someone without any prior experience as a Returning Officer.
- 6.2 There is no alternative officer who would be suitable to carry out the role identified within existing Council Officers.

7.0 FINANCE

- 7.1 There are no financial implications as there is no change in the grading of the Chief Executive post being proposed.

8.0 LEGAL

- 8.1 The function of Returning Officer is a statutory role which requires all non-metropolitan County Councils to appoint an officer of the Council to be the returning officer for elections of councillors of the County. This is contained in s.35 (1) of the Representation of the People Act 1983.
- 8.2 It is a function of full Council in the Constitution at Part 2 (2A) 2.1 to confirm the appointment of the Returning Officer.

9.0 RECOMMENDATIONS

That Council:

- 9.1 Review and approve, the revised role profile for the role of Chief Executive incorporating the designation of Returning Officer so that the role of Returning Officer be included in the designations of the Chief Executive (Head of Paid Service) with effect from 24 June 2022.

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APPENDICES

Appendix 1 Proposed Role profile for the Chief Executive

IMPLICATIONS

Staffing: The paper proposes options for the role of returning officer

Financial:

Property:

Electoral Division(s): All

Executive Decision

Yes	No
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Key Decision

Yes	No
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If a Key Decision, is the proposal published in the current Forward Plan?

Y or N

Is the decision exempt from call-in on grounds of urgency?

No

If exempt from call-in, has the agreement of the Chair of the relevant Overview and Scrutiny Committee been sought or obtained?

N/A

Has this matter been considered by Overview and Scrutiny?
If so, give details below.

No

PREVIOUS RELEVANT COUNCIL OR EXECUTIVE DECISIONS

None

CONSIDERATION BY OVERVIEW AND SCRUTINY

Not considered

BACKGROUND PAPERS

None

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