

Council 23rd February 2017

The Combined Authorities Mayoral Elections Order - Appointment of Local Returning Officer

Service Area: Legal and Democratic Services

Wards: All

1.0 Summary of report

- 1.1 Every district Council in England is required by section 35 (1) of the Representation of the People Act 1983 to appoint an officer of the Council to be the Returning Officer (RO) for elections. Normally, as for example in the EU referendum and PCC, the conduct rules provide that the Local Returning Officer for the local authority will be the Local Returning Officer (LRO) for that particular poll. However in the latest draft of the Combined Authorities Mayoral Elections Order (which is the one before parliament) requires that “... *each constituent member **shall appoint** (mandatory) an officer of the council to be the returning officer for the election of a combined authority mayor*”. This can be found in Schedule 2, rule 1 (5) of the current draft order.

(5) Section 35(e) (returning officers: local elections in England and Wales) has effect as if after subsection (2C) there were inserted—

“(2D) Subject to subsection (2E), each constituent council shall appoint an officer of the council to be the returning officer for the election of a combined authority mayor.

In addition the council has received the following advice from the electoral commission on the 1st February 2017, “Specifically, the final legislation requires that each constituent council **must** appoint an officer of the council to be the local Returning Officer for the combined authority mayoral election. This is a change from the usual situation where the person appointed as Returning Officer for principal area elections would automatically be the local Returning Officer for the relevant election. In the case of the combined authority mayoral election a formal appointment must be made by the relevant constituent Council.

2. Recommendations

- 2.1 That the Council appoint the Chief Executive as Local Returning Officer for the election of the Combined Authority Mayor.

3. Resource considerations

3.1 Financial

None arising from this report.

3.2 Legal

The reason for making the recommendation in this report is as set out in the summary above.

3.3 Staffing

It is important that employers and employees have certainty with regard to processes that affect their employment with the council, and that any ambiguity is removed.

4. Citizen impact

The council should be adequately staffed to ensure effective provision of service and the efficient and lawful administration and conduct of the Combined Authority Mayoral Election.

5. Community safety

None directly related to this report.

6. Environmental impact

None directly related to this report.

7. Performance and risk management issues

7.1 Risk

The council need to appoint an LRO for the purpose of administering the combined authority mayoral elections as set out above. Failure to appoint an LRO may render the electoral process at risk of legal challenge.

7.2 Performance management

None

8. Equality implications

There are none arising from this report.

9. Consultation

There are none required from this report.

Background papers

None

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