

Selection Committee

6 March 2017



Report of: Monitoring Officer

Title: Appointment of local Returning Officer for the combined authority mayoral election

Ward: Citywide

Recommendation

1. That Stephen Hughes remain as local Returning Officer for the combined authority mayoral election until the election for the combined authority has been delivered. This will ensure consistency is maintained given the closeness of the election (4th May 2017)



Summary:

Section 35(1) of the Representation of the People Act 1983 requires the council to appoint an officer of the council to be the Returning Officer (RO) in local elections.

The RO is the person who has the overall responsibility for the conduct of elections in Bristol. The RO is an officer of the council, but the role of the RO is a personal responsibility, independent and separate from their duties as an employee of the council. 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.

Policy

The City Council must appoint a named individual to the role of Returning Officer

Consultation

Internal

The appointment is normally made by the selection committee but given the need to maintain continuity and the date of the election, Stephen Hughes has agreed to stay on and deliver the election.

External

None.

Context

1. The RO is the person who has the overall responsibility for the conduct of elections in Bristol 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.

A Combined Authority Mayor 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 and if Anna Klonowski is appointed as Bristol's Returning Officer she will also become the Combined Authority Returning Officer (CARO). However the person appointed as RO for principal area elections in each local authority – the CARO - will not automatically be the local RO for the combined authority mayoral election.

Proposal

The proposal is to make the appointments as set out in the recommendation.

Other Options Considered

None

Public Sector Equality Duties

Before making a decision, section 149 Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following “protected characteristics”: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation;

There are no specific issues arising from these appointments.

Legal and Resource Implications

Legal Implications

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 an officer of the council to be the local Returning Officer for the combined authority mayoral election to be held on 4th May 2017.

Any failure to do so could lead to the council being challenged for failing to meet its statutory duties.

Responsibility for appointing a Deputy Returning Officer rests with the Returning Officer. However s52(2) of the Act provides that any deputy ERO must also be approved by the Council.

Shahzia Daya, Service Director – Legal and Democratic Services

Financial Implications

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.

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.

For principal area elections ie the Combined Authority Mayoral elections, any payments for the Returning Officer will be reclaimed from the combined authority.

There is no change to the existing budget and charging arrangements in place as a result of this report.

Chris Holme
Service Manager: Finance Business Support

Appendices

None.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers

None.