



Council
21 November 2011

Subject: Appointment of Electoral Registration Officer and Returning Officer

Report by:

Monitoring Officer

Contact Officer:

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Purpose / Summary:

To re-designate the post of Electoral Registration Officer and Returning Officer.

RECOMMENDATION(S):

1. That, in terms of the Representation of the People Act 1983 and all related legislation, and with effect from the 1 December 2011, Manjeet Gill, The Council's Chief Executive and Head of Paid Service, be appointed as Electoral Registration Officer for the Council.
2. That, in terms of section 41 of the Local Government Act 1972 and all related legislation, and with effect from 1 December 2011, Manjeet Gill, The Council's Chief Executive and Head of Paid Service be appointed as Returning Officer for the Council, with authority to act in that capacity for elections to the Council and all or any parish and town councils within the Council area.
3. That, the Council's Electoral Registration Officer be also appointed or authorised to act in respect of all related electoral, poll or referendum duties, including in relation to County Council elections, elections to the European Parliament, and for national and regional polls or referendums.

4. That, in relation to the duties of Returning Officer or any other electoral, referendum or polling duties arising from such an appointment, the Returning Officer shall be entitled to be remunerated in accordance with scale of fees approved from time to time by the Council or the relevant scale or fees prescribed by a Fees Order in respect of national, regional or European Parliament elections, polls or referendums.
5. That, in all cases where it is a legal requirement or normal practice to do so, fees paid to the Returning Officer shall be superannuable, and the Council shall pay the appropriate employer's contribution to the superannuation fund, recovering such employer's contributions from central government or other local authorities or agencies where this can be done.
6. That, in relation to the conduct of local authority elections and polls, and elections to the United Kingdom Parliament, and all other electoral duties where the Council is entitled by law to do so, the Council shall take out and maintain in force insurance indemnifying the Council and the Returning Officer against legal expenses reasonably incurred in connection with the defence of any proceedings brought against the Council and/or the Returning Officer and/or the cost of holding another election in the event of the original election being declared invalid.
7. That in the event of such insurance carrying an 'excess' clause by which an initial portion of risk is not insured, the Council, through its internal insurance fund or otherwise, will indemnify the Returning Officer up to the value of any and all such excesses.

IMPLICATIONS

Legal: The Report is compliant with the requirements of:

- the Representation of the People Act 1983 and all related legislation;
- section 41 of the Local Government Act 1972 and all related legislation; and
- the Council's Constitution.

Financial: None directly arising from this report.

Staffing: None directly arising from this report

Equality and Diversity including Human Rights: None directly arising from this report

Risk Assessment: None directly arising from this report

Climate Related Risks and Opportunities: None directly arising as a result of this report.

Background Papers: The following background papers were used in the preparation of this report.

Title:	Location of Background Papers:
Minutes from Chief Officer Employment Committee - 6 September, 22 September and 6 October 2011.	Accessed through WLDC website "Meetings, agendas, minutes and reports".
Minute from Policy and Resources Committee meeting 18 October 2011.	Accessed through WLDC website "Meetings, agendas, minutes and reports"

Call in and Urgency:

Is the decision one to which Rule 14 of the Scrutiny Procedure Rules apply?

Yes

No

Key Decision:

Yes

No

1. Introduction and Background

- 1.1 Changes to the management structure have recently been agreed at the Chief Officer Employment Committee 6 October 2011 and also the Policy and Resource Committee meeting on 18 October 2011. These changes to the management structure mean that there is a different Director structure and in due course Service Manager arrangements will also be changed.
- 1.2 These changes mean that the constitution will need to be amended to reflect the different responsibilities and the new Director roles. The Director of Strategy and Regeneration will become the Director of Localism and Communities, currently the electoral and returning officer functions sit with the Director of Strategy and Regeneration. Delivering on the localism agenda is a current key priority for the Council and it is considered that the matters relating to elections/returning officer would best be dealt with by the Chief Executive. A separate report on the constitution will be considered by Council.
- 1.3 It is intended that appointment to the new post of Director of Planning and Regeneration takes place before the end of November 2011. The Director of Neighbourhoods & Health will retire on 31 December 2011 but prior to this will be taking a number of days of outstanding annual leave.
- 1.4 Accordingly it is intended that the new Director structure becomes operational from 1 December 2011, this would be the date that the changes in the constitution and also the electoral/returning officer role would operate from.
- 1.5 In order for the Chief Executive to deal with the electoral matters and the returning officer role it is necessary for Council to make some formal resolutions and these are shown in the recommendations.