

REPORT TO: Council

DATE: 8 December 2021

REPORTING OFFICER: Chief Executive

PORTFOLIO: Corporate

SUBJECT: Electoral Matters

WARDS: Borough wide

1.0 PURPOSE OF THE REPORT

To recommend to Council that the statutory duties in relation to Electoral Administration and of the Returning Officer in relation to all Elections and Referenda be assigned to Ian Leivesley with immediate effect and that this continues until a further decision of the Council.

2.0 RECOMMENDATION: That Council appoint Ian Leivesley to carry out the Electoral Registration Officer Functions for the registration of Parliamentary and Local Government Electors and the Returning Officer Functions for Parliamentary, Local, Parish, Combined Authority Mayoral, Police & Crime Commissioner Elections and Referenda under all relevant legislation and to act as the Proper Officer for all related functions and relevant legislation with immediate effect until a further decision of the Council.

3.0 BACKGROUND INFORMATION

- 3.1 This report is brought before Members in light of the forthcoming retirement of the Chief Executive, who is the Council's Electoral Registration Officer, Returning Officer, and Proper Officer for electoral purposes.
- 3.2 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)
- 3.3 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).
- 3.4 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

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).

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).

4.0 POLICY IMPLICATIONS

Legislation requires that the Council appoint an Electoral Registration Officer and Returning Officer.

5.0 FINANCIAL IMPLICATIONS

The post of Returning Officer is remunerated and is paid for from the Elections budget in the case of local elections. The Council is reimbursed for other elections.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children and Young People in Halton – None

6.2 Employment, Learning and Skills in Halton – None

6.3 A Healthy Halton – None

6.4 A Safer Halton – None

6.5 Halton's Urban Renewal – None

7.0 RISK ANALYSIS

There are no risks requiring a separate assessment. Legislation requires that the Council appoints a suitable Electoral Registration Officer and

Returning Officer.

8.0 EQUALITY AND DIVERSITY ISSUES

There are no specific equality and diversity issues arising from this report.

9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

There are no background papers under the meaning of the Act.