



# **COUNCIL**

## **Thursday 17 August 2017**

**Agenda Status: Public**

**Directorate:** Borough Secretary and  
Monitoring Officer

<b>Report Title</b>	<b>Delegating functions of the Electoral Registration Officer and Returning Officer for the Council to the Borough Secretary.</b>
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### **1. Purpose**

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- 1.1 The purpose of this report is to ask Full Council to approve the delegation of the functions of the Electoral Registration Officer and the Returning Officer to the Borough Secretary from the date of this meeting of Full Council.

### **2. Recommendations**

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It is recommended that Full Council:

- 2.1 Approve the delegation of the functions of the Electoral Registration Officer and the Returning Officer to the Borough Secretary from the date of this meeting of Full Council and to delegate the power to the Constitutional Review Working Party to amend the constitution to reflect the foregoing changes.

### **3. Issues and Choices**

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#### **3.1 Report Background**

- 3.1.1 Under Paragraph 1.2.6 of Part B of Part 8 of the Council's Constitution, the roles of Returning Officer and Electoral Registration officer for the Borough of Northampton are delegated to the Chief Executive and Head of Paid Service. There is no statutory requirement for these two roles to be occupied by the same person.
- 3.1.2 Section 8 (2) (a) of the Representation of the People Act 1983 requires that every district council shall appoint an officer of the council to be electoral registration officer for any constituency or part of a constituency situated in

the district or borough. This officer is responsible for the registration of electors within that district or borough.

3.1.3 Section 35 (1) of the Representation of the People Act 1983 requires that every district council shall appoint an officer of the council to be the returning officer for the elections of councillors of the district and an officer of the council to be the returning officer for elections of councillors of parishes within the district. There is nothing in law to prevent the same Council officer from occupying both roles.

3.1.4 The Council has very recently received resignations from two Councillors which means that a By-election is very likely needed. It is imperative that the Council appoints to both statutory roles immediately to enable the electoral process to be properly triggered and progressed.

3.1.5 The Borough Secretary manages electoral services and has acted as Deputy Returning Officer in a number of elections ranging from local to national elections and therefore has the experience for undertaking the roles.

#### **4. Implications (including financial implications)**

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##### **4.1 Policy**

4.1.1 There are no policy implications to this report or the decision the Full Council is being asked to make.

##### **4.2 Resources and Risk**

4.2.1 It is not anticipated that the Council will incur any additional expenditure in making the decision recommended by this report.

##### **4.3 Legal**

4.3.1 Sections 8 (2) (a) and 35 (1) of the Representation of the People Act 1983 require all district councils to appoint an officer or officers of the Council as the Electoral Registration Officer and the Returning Officer.

4.3.2 Part 8 of the Council's constitution delegates the roles of returning officer and electoral registration officer to the Chief Executive and Head of Paid Service. Although the Council does not currently have a Chief Executive it still has a duty to appoint an officer or officers of the Council as the Electoral Registration officer and the Returning Officer.

##### **4.4 Equality**

4.4.1 There are no specific equality or health implications arising directly from the proposed decision.

##### **4.5 Other Implications**

4.5.1 None.

## **5. Background Papers**

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5.1 Council Constitution

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