

CYNGOR SIR POWYS COUNTY COUNCIL.

**Report for Full Council
5th October 2023**

REPORT AUTHOR: Interim Chief Executive

REPORT TITLE: Appointment of Interim Returning Officer and Electoral Registration Officer

REPORT FOR: Decision

1. Purpose

To appoint an Interim Returning Officer and Electoral Registration Officer for the period until a new Chief Executive Officer comes into post .

2. Background and Advice

- 2.1 Section 8 of the Representation of the People Act 1983 (“the 1983” Act”) requires every Local Authority to appoint an officer of the council to be Electoral Registration Officer (“ERO”) and Section 35 of the Representation of the People Act 1983 requires every Local Authority to appoint a Returning Officer (“RO”) for elections. The role is to ensure that the elections are administered effectively and that, as a result, the experience of voters and those standing for election is a positive one.
- 2.2. Under Section 11 of the Council’s Constitution, the Chief Executive is appointed to both these roles. However, the 1983 Act does not require that the Chief Executive of a local authority be appointed to these roles . The law states that a council must appoint “one if its officers” to these roles and it is imperative that the officer appointed has the necessary skills and experience. A Returning Officer must have a working knowledge of the relevant legislation governing the conduct of elections. A County Returning Officer is personally responsible for the administration of the authority’s county council elections and for ensuring that the experience of voters and those standing for elections is a positive one.
- 2.2 I do not consider that it is appropriate for me in an interim role to act as the Returning Officer or Electoral Registration Officer.
- 2.3 Clive Pinney (Head of Legal services an the Monitoring Officer) is currently one of the council’s Deputy Returning Officers and it is recommended that

Clive be appointed as Interim RO and Interim ERO until such time as the Council's newly appointed Chief Executive Officer takes up the Chief Executives position. Clive would bring considerable knowledge and experience to the roles having been a Deputy RO since he became Head of Legal Services in May 2013.

3. Resource Implications

3.1 The Head of Finance (Section 151 Officer) confirms that there are no additional financial implications arising directly from this report.

4 Legal implications

4.1 The Professional Lead Legal and Deputy Monitoring Officer has commented as follows; "The Council has a statutory duty to appoint to these roles and such the recommendations can be supported from a legal point of view."

4. Recommendation

Recommendation:	Reason for Recommendation:
<p>4.1 That Clive Pinney (Head of Legal Services and Monitoring Officer) be immediately appointed as Interim RO and Interim ERO until such time as the Council's newly appointed Chief Executive Officer takes up the Chief Executive's position</p>	<p>To allow the Council to comply with its statutory duties.</p>