



Northumberland

County Council

COUNCIL

DATE: 1ST SEPTEMBER 2021

Proposed Constitutional Changes

Report of Neil Masson, Senior Manager and Deputy Monitoring Officer, Legal Services.

Purpose of report

To review and update the Constitution and make related appointments.

This report sets out;

- the legal background to the process,
- details of the recent issues which need consideration
- recommendations

Recommendations

It is recommended that Council amends Part 4.2 of the Constitution - Proper and Authorised Officers in the following manner:

- Appoints the Council's Senior Service Director, Philip Hunter, as Returning Officer and Electoral Registration Officer and Proper Officer in respect of the functions specified at para 6 below.
- Authorises amendment of the Council's Constitution to reflect this appointment in the list of Proper and Authorised Officers

Link to Corporate Plan

This report is relevant to the "How" priority included in the current NCC Corporate Plan 2018-2021

Key issues

- An issue has arisen which requires an urgent amendment to the Council's Constitution
- The Constitution at Part 4.2 lists officer functions which it is statutorily obliged to including the Returning Officer and Electoral Registration Officer
- These functions are currently designated to the Executive Director of HR/OD and

Deputy Chief Executive who has now left the employment of the Council with no direct replacement. A replacement for these functions therefore needs to be appointed and the Constitution amended accordingly.

Background

Part 4.2 Proper and Authorised Officers

1. The functions of the Returning Officer and the Electoral Registration Officer are statutory functions under sections 35 and 8 of the Representation of the People Act 1983. The effect of this is that the Council must appoint an officer to carry out these functions, who will be deemed the 'Proper Officer' under the legislation.
2. The Returning Officer is responsible for the following matters:
 - publishing the notice of election
 - administering the nomination process
 - printing the ballot papers
 - publishing the notice of poll, statement of persons nominated and notice of situation of polling stations
 - the provision of polling stations
 - appointing Presiding Officers and Poll clerks
 - managing the postal voting process
 - verifying and counting the votes declaring the results
 - the expenditure incurred for the purpose of conducting the election
3. The Electoral Registration Officer is responsible for taking all necessary steps to comply with their duty to maintain the electoral register and to ensure, as far as is reasonably practicable, that all those eligible (and no others) are registered in it.
4. Previously both of these roles have been carried out by the Executive Director of HR/OD and Deputy Chief Executive, who has now left the employment of the Council, and this was reflected in the list of Proper and Authorised Officers set out at Part 4.2 of the Constitution.
5. As the Council must in law appoint a Returning Officer and Electoral Registration Officer it is proposed that the Philip Hunter, the Council's Senior Service Director take up both roles and the Constitution be amended accordingly. All other aspects of the role will stay the same including remuneration and appointments of deputies.
6. Related to both of these roles, the list of Proper and Authorised Officers also designated the following related functions to the Executive Director of HR and Deputy Chief Executive, and it is now proposed that these will also now be designated to the Senior Service Director:
 - Section 89(1) Local Government Act 1972 – Receiving Notice of a Casual Vacancy
 - Section 82 and 89 Representation of the People Act 1983 – Receipt of election expense declarations and returns and the holding of those documents for public inspection
 - Schedule 2 Rule 53 Local Elections (Principal areas) (England) Rules 2006 –

Retention and public inspection of documents after an election

Implications

Policy	No significant implications
Finance and value for money	No Financial Implications
Legal	None other than as reflected in the report
Procurement	N/A
Human Resources	N/A
Property	N/A
Equalities (Impact Assessment attached) Yes <input type="checkbox"/> No X <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	Issues relating to equalities are reflected, where appropriate, in the report and appendices
Risk Assessment	N/A
Crime & Disorder	N/A
Customer Consideration	N/A
Carbon reduction	N/A
Health and Wellbeing	None significant
Wards	All

Background papers:

None

Report sign off.

Authors must ensure that officers and members have agreed the content of the report:

	Full Name of Officer
Monitoring Officer/Legal	Neil Masson
Interim Executive Director of Finance & S151 Officer	Jan Willis
Relevant Service Director	Allison Mitchell
Chief Executive	Daljit Lally
Portfolio Holder(s)	N/A

Author and Contact Details

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