

Title: Returning Officer & Delegations

Lead Officer: Graham Leach, Democratic Services Manager & Deputy Monitoring Officer, Telephone 01926 456114 or email graham.leach@warwickdc.gov.uk

Portfolio Holder: Councillor Day

Wards of the District directly affected: None

| Approvals required | Date | Name |
|---|-------------|-----------------|
| Portfolio Holder | 10/2/23 | Day |
| Finance | 13/2/23 | Lorraine Henson |
| Legal Services | | |
| Chief Executive | 10/2/23 | Chris Elliott |
| Director of Climate Change | 13/2/23 | Dave Barber |
| Head of Service(s) | | |
| Section 151 Officer | 13/2/23 | Andrew Rollins |
| Monitoring Officer | 10/2/23 | Andrew Jones |
| Leadership Co-ordination Group | | |
| Final decision by this Committee or rec to another Cttee / Council? | Yes | |
| Contrary to Policy / Budget framework? | No | |
| Does this report contain exempt info/Confidential? If so, which paragraph(s)? | No | |
| Does this report relate to a key decision (referred to in the Cabinet Forward Plan)? | No | |
| Accessibility Checked? | Yes | |

Summary

The report seeks a recommendation to Council on 27 February 2023 in respect of delegations to the Electoral Registration Officer and Returning Officer for the Council.

Recommendation(s)

The Audit & Standards Committee recommends to Council that it confirms the Head of Paid Service (Chief Executive) as Returning Officer and Electoral Registration Officer and any other electoral officer related roles, to include keeping Polling Districts and Polling Places under regular review and amending any such arrangements where there is an operational need, prior to the next compulsory review of Polling Places and Polling Districts and updates Article 12 of the Constitution to reflect this.

1 Reasons for the Recommendation

- 1.1 As part of the preparations for the Council Elections in May 2023, the Electoral Services Manager identified within the Constitution there is no specific reference to the Head of Paid Service (Chief Executive) being the Council's Returning Officer and Electoral Registration Officer or providing them delegated authority to move polling places (the legal definition of the place where a polling station is located).
- 1.2 While this is implied within the role and contract of the Head of Paid Service it is advisable for this to be defined within the Constitution for public record.
- 1.3 In respect of the delegation for moving polling places this is considered a practicable step for allowing changes in between formal reviews, for places which may become either no longer available or temporarily not available shortly before an election.

2 Alternative Options

- 2.1 The Committee could choose not to provide this clarification within the Constitution however it is recommended best practice.
- 2.2 In respect of moving polling station, this could technically require this Committee and then Council to meet at very short notice to move a polling station. This is not considered a practicable approach close to elections and in practice has not been operated at the Council for over 30 years.

3 Legal Implications

- 3.1 The failure to have specific recognition in place could lead to legal challenges to the outcome of elections which would be both costly and time consuming for the Council.

4 Financial

- 4.1 The report does not directly impact on the budgetary framework or budget of the Council.

5 Business Strategy

- 5.1 Warwick District Council has adopted a Business Strategy which sets out key areas for service delivery. For this report the relevant aspect is Effective Staff, in ensuring the ERO has the appropriate delegations in place to deliver

elections.

6 Environmental/Climate Change Implications

- 6.1 There are no direct implications of report for the Council's policies and Climate Emergency Action Plan.

7 Analysis of the effects on Equality

- 7.1 The report does not meet the requirements for undertaking an equality impact assessment. However Committee Members should be reassured that any polling place move would be assessed for meeting the requirements of the equalities act in respect of accessibility as defined within the Elections Act 2022 and guidance to Electoral Registration Officers.

8 Data Protection

- 8.1 The report does not have any Data Protection considerations as the information is in the public domain.

9 Health and Wellbeing

- 9.1 There are no direct of the health and wellbeing implications of the proposal.

10 Risk Assessment

- 10.1 The primary risks associated with this report is about potential challenge to an election result because a polling place has been moved without perceived due approval. This is considered to be a very minor risk.

Background papers: None

Supporting documents: None