

REPORT TO: East Lothian Council

MEETING DATE: 20 December 2016

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: Elections: Appointment of Returning Officer

1 PURPOSE

- 1.1 The Council has an obligation to appoint an officer of the authority to act as Returning Officer (RO) for the conduct of all elections undertaken within the Council area.

2 RECOMMENDATIONS

- 2.1 That Council approves the appointment of the Chief Executive, Angela Leitch, to carry out the role of Returning Officer within the East Lothian area.

3 BACKGROUND

- 3.1 The Representation of the People Act 1983, Section 41, requires every local authority in Scotland to appoint a Returning Officer (RO) for each election of councillors to the authority.
- 3.2 By virtue of this appointment, the holder also automatically becomes responsible for discharging the duties of RO at UK Parliamentary Elections, Scottish Parliamentary Elections and those of the Local Returning Officer for European Parliamentary Elections, within the designated constituencies/regions. This would also extend to the duties of Local Counting Officer in support of any national referendum.
- 3.3 The appointment as RO is personal and, historically within East Lothian, in common with most (but not all) Scottish councils, has typically been offered to the Chief Executive. More recently, responsibility for carrying out the responsibilities of the RO is now included within the job outline for the Chief Executive.
- 3.4 The Council's role is restricted to the appointment of the RO and to the appointment of a replacement, if the person appointed is, for any valid reason, unable to act.

- 3.5 Once appointed, the Council is required, by statute, to place at the disposal of the RO, the services of staff and other resources, for the purpose of assisting with the discharge of their election responsibilities.
- 3.6 The RO is not accountable, in any way, to the Council for their actions in respect of the official conduct of an election. It therefore follows that the Council cannot direct or instruct the RO on how to carry out any aspect of the election process.

4 POLICY IMPLICATIONS

- 4.1 There are no direct implications upon Council policy as a result of the recommendation made in this report.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – The RO is entitled to receive remuneration for carrying out these duties and is paid on a fee scale basis, as prescribed in legislation in respect of individual elections, as and when they are held. For UK and Scottish Parliamentary Elections, the costs are recoverable from the respective governments. Although there are no direct financial implications for the Council associated with this report, the provisions within Section 3.5 merit consideration.
- 6.2 Personnel - there are no direct staffing implications associated with this report, although the provisions within Section 3.5 merit consideration.
- 6.3 Other – none.

7 BACKGROUND PAPERS

- 7.1 Representation of the People Act 1983, Sections 25 and 41.

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