

<b>SHADOW EXECUTIVE</b>
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<b>25 NOVEMBER 2008</b>
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<b>SUBJECT</b>	<b>CREATING CENTRAL BEDFORDSHIRE : APPOINTMENT OF ELECTORAL APPOINTEE</b>  (In accordance with the Local Government (Structural Changes) (Transitional Arrangements) (No 2) Regulations 2008, there is a statutory requirement for the Shadow Council to appoint an Electoral Appointee by 30 November 2008)
<b>REPORT OF</b>	<b>Interim Deputy Chief Executive</b>
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### IMPLICATIONS

<b>SUSTAINABILITY</b>	None arising from this report
<b>FINANCIAL</b>	There are no additional financial implications from the appointment.
<b>LEGAL</b>	The Local Government (Structural Changes) (Transitional Arrangements) (No. 2) Regulations 2008
<b>PERSONNEL/EQUAL OPPORTUNITIES</b>	None
<b>COMMUNITY DEV/SAFETY</b>	None
<b>TRADES UNION</b>	None
<b>HUMAN RIGHTS</b>	None
<b>KEY ISSUE</b>	No, but formal Shadow Executive approval required.
<b>BUDGET/POLICY FRAMEWORK</b>	No

<b>OTHER DOCUMENTS RELEVANT TO REPORT</b>
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None
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<b>RECOMMENDATIONS:</b>
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1. That Jon Ruddick (Chief Executive – South Beds DC) is appointed as the Electoral Appointee for Central Bedfordshire Council in accordance with Regulation 9 of The Local Government (Structural Changes) (Transitional Arrangements) (No. 2) Regulations 2008 with immediate effect.
2. That the Committee notes that the Bedfordshire (Structural Changes) Order 2008 appoints Jon Ruddick (Returning Officer of South Beds DC) as the Returning Officer for the Central Bedfordshire Elections to be held on 4 June 2009.

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| <b>3. That the Shadow Executive notes that, in view of the need to appoint the Electoral Appointee before 30 November 2008, the decision at 1 above is urgent and therefore exempt from call-in under Rule 15 of the Overview and Scrutiny Procedure Rules.</b> |
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<i>Reason for Recommendations:</i>	<i>To meet the statutory requirement to appoint an Electoral Appointee by 30 November 2008.</i>
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## **1. Background**

### **Transitional Regulations**

- 1.1 Following the publication of the various Structural Changes Orders for the new unitary Authorities it has been recognised by the Department for Communities and Local Government (DCLG) that there are a number of issues, specifically in relation to the appointment of the Electoral Registration Officer and the Acting Returning Officer, and their conduct during the transitional period.
- 1.2 In acknowledgement of the differences between preparing councils and shadow councils it has been determined that it is necessary to clearly make provision for the administration of the electoral process.
- 1.3 Members will be aware that under the terms of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, electoral matters are normally non-executive functions. However, the No 2 transitional regulations specifically direct that notwithstanding the 2000 regulations all of the preparing/shadow councils are to have the 'electoral appointee' nominated by their respective Executive Committees.

### **The Returning Officer**

- 1.4 In England, every principal council is required to appoint an officer of the Council to be the Returning Officer for the election of its councillors and for the election of councillors of any parishes within the district.

- 1.5 The Bedfordshire Structural Changes Order (Part 6) stipulates that at the 2009 election for Central Bedfordshire the returning officer shall be the proper officer appointed by South Bedfordshire District Council. The Local Government (Structural Changes) (Transitional Arrangements) (No 2) Regulations 2008 stipulates that all preparing and shadow councils shall, no later than 30 November 2008, appoint an officer, referred to as an “electoral appointee” to discharge the functions of the Acting Returning Officer (referred to as the Local Returning Officer for European parliamentary elections) in relation to:
- (a) Elections to the European Parliament to be held in 2009; and
  - (b) Any parliamentary election for which a writ is issued in the period beginning on 1 December 2008 and ending on 1 April 2009
- 1.6 The “electoral appointee” shall on 1 April 2009 be deemed to have been appointed the Electoral Registration Officer of the new Authority.
- 1.7 In view of the Statutory requirement to appoint the Electoral Appointee no later than 30 November 2008 this decision is urgent and therefore exempt from the formal call-in procedure under Rule 15 of the Overview and Scrutiny Procedure Rules.

## **2. Central Bedfordshire Elections**

- 2.1 Whilst acknowledging that this report has covered the matter of an ‘electoral appointee’ the remaining issues on the preparation and administration of the elections for Central Bedfordshire are being presented to Members of the General Purposes Committee on 24 November 2008. At that meeting Members will be asked to adopt a unified scale of fees and will be advised of the arrangements that will be in place for the briefing of Agents, the nomination process, the electoral timetable and the Count.

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**Background Papers:** None

**Location of Papers:** N/A

**File Reference:** N/A