

Version Number:
--------------------

## Council

---

**Date of Meeting:** 20 February 2020

**Report Title:** Appointment of Acting Chief Executive (Head of Paid Service),  
Returning Officer and Electoral Registration Officer

**Senior Officer:** Jane Burns, Executive Director of Corporate Services

---

### 1. Report Summary

1.1. Council is invited to appoint Frank Jordan, Executive Director of Place & Deputy Chief Executive as the Council's Acting Chief Executive, Returning Officer and Electoral Registration Officer for an interim period until the arrival of the new Chief Executive.

1.2. In accordance with Council Procedure Rule 1.12, the Mayor has agreed for this matter to be considered as urgent business as it cannot wait until the next meeting of Council in May 2020. The reason for urgency is due to the proposed start date of the preferred candidate recommended for appointment of Chief Executive, now being 20 April 2020. There is a need for the Council to have an Acting Chief Executive (Head of Paid Service) for that period.

### 2. Recommendations

2.1 That Council agrees the appointment of Frank Jordan, Executive Director of Place & Deputy Chief Executive as:

- i. the Council's Acting Chief Executive (Head of Paid Service); and
- ii. the Council's Returning Officer and Electoral Registration Officer pursuant to the Representation of the People Act 1983;

for an interim period from 9 March 2020 until 19 April 2020.

### **3. Reasons for Recommendations**

- 3.1 In accordance with the Constitution, Council must approve the appointment of the Council's Chief Executive as a Statutory Officer.

### **4. Other Options Considered**

- 4.1 Not applicable.

### **5. Background**

#### **5.1 Appointment of Chief Executive**

- 5.1.1 The recruitment process for the post of Chief Executive has been conducted by Staffing Committee in accordance with the Council's Employment Procedure Rules.
- 5.1.2 The Staffing Committee Members agreed to recommend to Council their preferred candidate for appointment to the position of Chief Executive (Head of Paid Service) which is for consideration at item 11 of the Council agenda.
- 5.1.3 In the short time available, it has not been possible for Staffing Committee to also consider the appointment of Acting Chief Executive, which is a decision of Council in any event.

#### **5.2 Electoral Matters**

- 5.2.1 It is a statutory requirement that each local authority has an Electoral Registration Officer, pursuant to Section 8 of the Representation of the People Act 1983; and a Returning Officer, pursuant to Section 35 of the 1983 Act. It is usual to appoint the same person to carry out both responsibilities, but this is not a requirement of the legislation.
- 5.2.2 Council is recommended to formally designate Frank Jordan as the Council's Electoral Registration Officer and Returning Officer. Under this designation, the Returning Officer will be responsible for the proper conduct of all Borough and Parish elections for the wards and parishes of the Borough of Cheshire East. The holder of this office also acts as the Acting Returning Officer for Parliamentary Elections and the Local Counting Officer for other elections or referenda held within the Borough.
- 5.2.3 The duties of both office holders are personal responsibilities quite separate to their normal responsibilities in their employment by the Council. Once appointed, the office holder is responsible to the Court for the proper carrying out of their duties.
- 5.2.4 The person designated as Electoral Registration Officer has a duty to maintain a register of parliamentary and local government electors and to take certain steps for the purpose of complying with that duty.

## **6. Implications of the Recommendations**

### **6.1. Legal Implications**

6.1.1. The designation of the Head of Paid Service (Chief Executive) and Acting Chief Executive must be approved by Council in accordance with section 4 of the Local Government and Housing Act 1989.

6.1.2. The Representation of the People Act 1983 requires the Council to appoint a Returning Officer and a Electoral Registration Officer from amongst its officers.

### **6.2. Finance Implications**

6.2.1. The costs of the Acting Up arrangement for the post of Chief Executive, which is an established position within the Council's senior management structure, are funded within the Council's existing staffing budgets.

6.2.2. With regard to Returning Officer fees, for each election the scale of fees is set by the Government and the Returning Officer is directly accountable in law to the Government in regards to their electoral duties. For Borough and Parish Council elections, the Returning Officer fee is calculated in accordance with an agreed Scale of Fees. The Scale of Fees is agreed between and used by the four Cheshire Authorities: Cheshire East Borough Council, Cheshire West and Chester Borough Council, Halton Borough Council and Warrington Borough Council. Returning Officer fees are funded from within the Council's existing elections budget.

### **6.3. Policy Implications**

6.3.1. There are no policy implications.

### **6.4. Equality Implications**

6.4.1. There are no equality implications.

### **6.5. Human Resources Implications**

6.5.1. Actions have been undertaken in accordance with the Constitution and appropriate policies and procedures.

### **6.6. Risk Management Implications**

6.6.1. Actions have been taken in accordance with appropriate policies and procedures.

### **6.7. Rural Communities Implications**

6.7.1. There are no implications for rural communities.

**6.8. Implications for Children & Young People/Cared for Children**

6.8.1. There are no implications for children and young people/cared for children.

**6.9. Public Health Implications**

6.9.1. There are no implications for public health.

**6.10. Climate Change Implications**

6.10.1. There are no implications for climate change.

**7. Ward Members Affected**

7.1. Not applicable.

**8. Access to Information**

8.1. None applicable.

**9. Contact Information**

9.1. Any questions relating to this report should be directed to the following officer:

Name: Jane Burns

Job Title: Executive Director of Corporate Services

Email: jane.burns@cheshireeast.gov.uk