
**Manchester City Council
Report for Resolution**

Report to: Constitutional and Nomination Committee – 3 March 2017

Subject: Electoral Registration Officer and Returning Officer
Appointments

Report of: The City Solicitor

Summary

To propose that the Constitutional and Nomination Committee appoint Joanne Roney as Electoral Registration Officer for Manchester and Returning Officer for the election councillors, with effect from 1 April 2017.

To propose that Sir Howard Bernstein be appointed by the Committee as the Returning Officer for the district of Manchester for elections of a Greater Manchester Combined Authority mayor until 31 March 2017, with that appointment passing to Joanne Roney from 1 April 2017.

Recommendations

The Constitutional and Nomination Committee is recommended to:

1. Appoint Joanne Roney as the Electoral Registration Officer for Manchester, with effect from 1 April 2017.
 2. Appoint Joanne Roney as the Returning Officer for the elections of councillors of the district of Manchester and for elections of councillors of parishes within the district, with effect from 1 April 2017.
 3. Appoint Sir Howard Bernstein as the Returning Officer for the district of Manchester for elections of a Greater Manchester Combined Authority mayor until 31 March 2017 (inclusive).
 4. Appoint Joanne Roney as the Returning Officer for the district of Manchester for elections of a Greater Manchester Combined Authority mayor, with effect from 1 April 2017.
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Wards Affected: All

Financial Consequences for Revenue Budget:
None

Financial Consequences for the Capital Budget:
None

Implications for:

Antipoverty
No

Equal Opportunities
No

Environment
No

Employment
No

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Background documents (available for public inspection):

None

1. Background

1.1 The Council is required to make appointments to a number of statutory offices relating to the conduct of the electoral process. The individual(s) appointed to these offices hold personal legal responsibilities separate from their responsibilities as Council officers. Consequently, it is considered that the relevant appointments should be explicitly made to named officers rather than being taken to automatically attach to any particular officer post within the authority.

1.2 This report concerns the appointment of:

- an Electoral Registration Officer for Manchester, to succeed the current office holder;
- a Returning Officer for the election of councillors of the district of Manchester (and for elections of councillors of parishes within the district), to succeed the current office holder; and
- a Returning Officer for the district of Manchester for elections of a Greater Manchester Combined Authority (“GMCA”) mayor.

2. Appointment of an Electoral Registration Officer

2.1 Section 8(2) of the Representation of the People Act 1983 (“the RPA 1983”) requires that the Council “appoint an officer of the council to be registration officer for any constituency or part of a constituency coterminous with or situated in the district”. Under the Council’s Constitution the Constitutional and Nomination Committee is delegated the power to appoint Manchester’s Electoral Registration Officer.

2.2 Sir Howard Bernstein, Chief Executive, is currently the Council officer appointed as Manchester’s Electoral Registration Officer. Sir Howard will be leaving the Council on 31 March 2017, with Joanne Roney taking over as the new Chief Executive from 1 April 2017. However, although the Council confirmed Joanne Roney’s appointment as Chief Executive at its meeting on 14 December 2016, it did not address her appointment as Electoral Registration Officer.

2.3 Consequently, the Committee is recommended to appoint Joanne Roney as the Electoral Registration Officer for Manchester, with effect from 1 April 2017.

3. Appointment of a Returning Officer for the election of councillors of the district of Manchester (and for elections of councillors of parishes within the district)

3.1 Section 35(1) of the RPA 1983 requires that the Council “appoint an officer of the council to be the returning officer for the elections of councillors of the district and an officer of the council to be the returning officer for elections of councillors of parishes within the district”. Under the Council’s Constitution the

Constitutional and Nomination Committee is delegated the power to appoint a Registration Officer for these purposes.

3.2 Sir Howard Bernstein, Chief Executive, is currently the Council officer appointed as the Returning Officer for the elections referred to in paragraph 3.1. Sir Howard will be leaving the Council on 31 March 2017, with Joanne Roney taking over as the new Chief Executive from 1 April 2017. However, although the Council confirmed Joanne Roney's appointment as Chief Executive at its meeting on 14 December 2016, it did not address her appointment as Returning Officer for the elections in question.

3.3 Consequently, the Committee is recommended to appoint Joanne Roney as the Returning Officer for the elections of councillors of the district of Manchester and for elections of councillors of parishes within the district, with effect from 1 April 2017.

4. Appointment of a Returning Officer for the district of Manchester for elections of a Greater Manchester Combined Authority mayor

4.1 The first election of a mayor of the GMCA will be held on 4 May 2017. Subsequent ordinary elections of the mayor will take place on the ordinary day of election for councillors in 2020 and then every fourth year thereafter on the same day as the ordinary day of election for councillors. The administrative model adopted for the GMCA mayoral election involves a Returning Officer (colloquially referred to as a "Local Returning Officer") at district level for each of the ten constituent councils of the GMCA, with a Combined Authority Returning Officer overseeing the election on a Greater Manchester basis.

4.2 The conduct of the GMCA mayoral election is governed by The Combined Authorities (Mayoral Elections) Order 2017 ("the 2017 Order"). In the version of the 2017 Order that was circulated prior to the draft Order being formally laid before Parliament, the officer appointed by a constituent council under Section 35(1) of the RPA as Returning Officer for the election of councillors was to automatically be the Local Returning Officer at the GMCA mayoral election.

4.3 However, in the version of the 2017 Order that was laid before Parliament and which came into force on 31 January 2017, Section 35 of the RPA 1983 is modified so as to insert a new Subsection 35(2D) which provides that: "[...] each constituent council shall appoint an officer of the council to be the returning officer for the election of a combined authority mayor." This wording indicates that there should be a separate appointment of Local Returning Officers by constituent councils for the purposes of the GMCA mayoral election.

4.4 It is considered that the existing delegation to the Committee conferring on it the "Duty to appoint returning officer for local government elections – Section 35 of the Representation of the People Act 1983" encompasses not only appointments under Section 35(1) of the RPA (as detailed in section 3 of this

report), but also the appointment under Section 35(2D) of a Local Returning Officer for the purposes of the GMCA mayoral election

4.5 Consequently, the Committee is recommended to appoint:

- a) Sir Howard Bernstein as the Returning Officer for the district of Manchester for elections of a Greater Manchester Combined Authority mayor until 31 March 2017 (inclusive); and
- b) Joanne Roney as the Returning Officer for the district of Manchester for elections of a Greater Manchester Combined Authority mayor, with effect from 1 April 2017.

5. Recommendation

5.1 The recommendations to the Committee are set out at the beginning of this report.