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**Council**

20th March 2012

**Name of Cabinet Member:**

Not applicable

**Director Approving Submission of the report:**

Director of Customer and Workforce Services

**Ward(s) affected:**

All

**Title:**

**Appointment of Proper Officer and Counting Officer for Referendums**

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**Is this a key decision?**

No

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**Executive Summary:**

The Council needs formally to appoint the Chief Executive as Proper Officer and as Counting Officer for the purposes of the referendum on 3 May 2012. Part 3.7 of the Constitution (Functions delegated to Employees) needs to be amended to reflect this change.

**Recommendations:**

The Council is recommended to change Part 3.7 of the Constitution to appoint the Chief Executive as Proper Officer and Counting Officer for the purpose of referendums.

**List of Appendices included:**

None

**Other useful background papers:**

None

**Has it been or will it be considered by Scrutiny?**

No

**Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?**

No

**Report title:**  
**Appointment of Proper Officer and Counting Officer for Referendums**

**1. Background**

1.1 The Council will be holding a referendum on 3 May 2012 on whether to continue with the present system of Leader and Cabinet or to change to a mayor and cabinet executive. Under the Local Government (Conduct of Referendums) (England) Regulations 2012, notice of the referendum must be given and other duties in connection with the referendum must be carried out by the "proper officer" of the Council. Certain other duties are to be carried out by the counting officer. The Council's Constitution (Part 3) delegates certain functions to employees. However, there is no express provision appointing the Chief Executive as proper officer for the purposes of the referendum in May.

**2. Options considered and recommended proposal**

2.1 The Council must have a proper officer and counting officer appointed for the purposes of the May referendum and this should also cover any future referendums. The Council is therefore recommended to amend Part 3.7 of the Constitution at page 83 (functions delegated to the Chief Executive) to include the following paragraph immediately after the paragraph ending "Local Returning Officer for European Parliamentary Elections":

*To exercise functions relating to referendums under the Local Government Act 2000 and under any subsequent legislation, and in particular, to act as Proper Officer and Counting Officer for referendums.*      *Deputy Counting Officers may be appointed*

**3. Results of consultation undertaken**

3.1 Given the nature of the report no consultation has been undertaken.

**4. Timetable for implementing this decision**

4.1 The Chief Executive needs to be appointed as Proper Officer and Counting Officer with immediate effect.

**5. Comments from Director of Finance and Legal Services**

5.1 Financial implications  
Any costs arising from the appointment to this role will be met from current budgetary provision.

5.2 Legal implications  
The Council is required by the Local Government Act 2000 and subsidiary regulations to appoint someone as Proper Officer and Counting Officer for the purpose of running referendums.

**6. Other implications**

**6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?**

The Constitution sets out the governance arrangements of the Council and it is important for the good governance of the Council that these reflect changes in legislation.

**6.2 How is risk being managed?**

The key risk is that failure to appoint a proper officer or counting officer for the May referendum might result in a legal challenge to the validity of the referendum process.

**6.3 What is the impact on the organisation?**

To put in place appropriate governance arrangements for referendums.

**6.4 Equalities / EIA**

None

**6.5 Implications for (or impact on) the environment**

None

**6.6 Implications for partner organisations?**

None

**Report author(s):**

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