



Full Council
21 January 2013

**Report from Director of Legal and
Procurement**

For Action

Wards affected
All

Changes to Constitution

1.0 Summary

- 1.1 Members are asked to agree that the Director of Legal and Procurement act as a Returning Officer for any elections of Councillors and as Electoral Registration Officer.

2.0 Recommendation

That members agree the changes made to the Constitution shown as track changes in **Appendix 1**.

3.0 Details

Part 4, Table 5 of the Constitution sets out the Council's Proper and Statutory Officer provisions. Currently the role of Returning Officer at an election of Councillors of the borough and the Electoral Registration Officer of any constituency in the borough is carried out by the Chief Executive. Members are asked to agree that for the time being these roles are performed by the Director of Legal and Procurement who was the Deputy Returning Officer in the previous election round.

4.0 Financial Implications

None.

5.0 Legal Implications

The Representation of the People Act 1983 requires that Councils appoint officials to undertake formal roles in relation to election matters.

6.0 Diversity Implications

None

Background Papers:

Brent Council Constitution

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Director of Legal and Procurement

TABLE 5**PROPER AND STATUTORY OFFICER PROVISIONS**

The following definitions are used in this Table:-

LGA 1972	=	Local Government Act 1972
LG(MP)A 1976	=	Local Government (Miscellaneous Provisions) Act 1976
RPA 1983	=	Representation of the People Act 1983
LGFA 1988	=	Local Government Finance Act 1988
LGHA 1989	=	Local Government and Housing Act 1989
LGA 2000	=	Local Government Act 2000
FOIA 2000	=	Freedom of Information Act 2000
LASSNHSCR 2009	=	Local Authority Social Services and National Health Service Complaints (England) Regulations 2009

*Chief Officers also have power delegated to them in the table found at paragraph 2.5 of this Part 4 to designate proper officers falling within their area of responsibility.

The following officers and their deputies or person nominated by them for the purpose shall be the proper officer for the purpose specified:-

<i>(1) statutory provision</i>	<i>(2) Function</i>	<i>(3) Proper Officer</i>
Section 83 LGA 1972	Witness and receipt of declarations of acceptance of office of Mayor, Deputy Mayor and Councillors.	Democratic Services Manager
Section 84 LGA 1972	Receipt of notice of resignation of office of Mayor, Deputy Mayor and Councillors.	Democratic Services Manager
Section 88 LGA 1972	Convening of meeting for the election of Mayor in the event of a casual vacancy.	Democratic Services Manager
Section 89 LGA 1972	Receipt of notice of casual vacancies in the council membership.	Democratic Services Manager
Section 100 LGA 1972	All references to proper officer in connection with the access to information	Democratic Services Manager

	provisions of the Local Government Act.	
Section 115 LGA 1972	Receipt of monies from accountable officers.	Director of Finance and Corporate Services
Section 146 LGA 1972	Certificates as to securities on alteration to local authority area or name.	Director of Legal and Procurement
Section 151 LGA 1972	Officer with responsibility for the council's financial affairs.	Director of Finance and Corporate Services
Section 225 LGA 1972	Deposit of any documents pursuant to any enactment, instrument or parliamentary standing orders.	Democratic Services Manager
Section 229 LGA 1972	Certification of any photographic copy of a document in the custody of the council or of any document destroyed while in which custody, or any part of any such document.	Director of Legal and Procurement
Section 233 LGA 1972	Receive documents required to be served on the Council.	The Chief Executive or the Director of Legal and Procurement
Section 234(1) LGA 1972	Signature or authentication of any notice or other document which the local authority is authorised or required to give or make or issue.	All officers specified in paragraph 2.4 of this Part 4.
Section 238 LGA 1972	Certification of printed copies of by-laws.	Director of Legal and Procurement
Section 41 LG(MP)A 1976	Certification of Minutes, Resolutions, Orders and Reports of the council.	Democratic Services Manager
Section 35 RPA 1983	The Returning Officer at an election of Councillors of the borough.	Director of Legal and Procurement
Section 8 RPA 1983	The Electoral Registration Officer of any constituency (or part thereof) in the borough.	Director of Legal and Procurement