

**Sandwell Metropolitan Borough Council****7 March 2017****Appointment of a Local Returning Officer for the  
West Midlands Mayoral Election****1. Summary Statement**

- 1.1 Members will be aware from previous reports that following the implementation of the West Midlands Combined Authority in 2016, there will be an election for a West Midlands Mayor on 4 May 2017. The arrangements for the election are covered by the draft Combined Authorities (Mayoral Elections) Order 2017.
- 1.2 Section 6(1) of the Order requires the combined authority to appoint one of its officers, or one of the officers of a constituent council, to be the combined authority returning officer for the election. At its board meeting on 20 January, the combined authority appointed the Chief Executive of Birmingham City Council to the role. This is in line with the normal practice for co-ordinating West Midland wide elections.
- 1.3 The Combined Authority Returning Officer will have responsibility for the co-ordination of the Mayoral election across the seven metropolitan areas in the West Midlands.
- 1.4 Each of the seven councils must in turn appoint its own Local Returning Officer, who is responsible for the delivery of the election in his or her area. Section 5 of the Mayoral Order confers the functions in relation to the area of a constituent council, on the person who is for the time being the returning officer for the area of that council by virtue of section 35 (returning officers: local elections) of the Representation of the People Act 1983. The Chief Executive is the Sandwell Returning Officer for the purposes of the 1983 Act.

## **2. Recommendations**

- 2.1 That the designation of the Chief Executive of Sandwell MBC as the returning officer for all elections within the Sandwell area by virtue of Section 35 (returning officers: local elections) of the Representation of the People Act 1983 be reaffirmed, to include elections to the office of Mayor of the West Midlands in 2017 and subsequent mayoral electoral years.

**Darren Carter**  
**Interim Director - Resources**

Contact Officer:  
Phil Hardy  
Electoral Services Manager  
0121 569 3242

## **3. Strategic Resource Implications**

- 3.1 The West Midlands Combined Authority has allocated a budget of £4 million to cover the costs of the Mayoral election. The funding allocation for each authority is based on the amount allocated for the 2016 Police and Crime Commissioner election. It is therefore considered that there should be no additional cost to the Council.
- 3.2 The West Midlands Combined Authority has agreed that no Local Returning Officer should pay any election employee an hourly rate of less than the voluntary living wage, currently standing at £8.45. This will increase the cost of the process, but based on experience of previous elections it is anticipated that this can be contained within the budgetary allocation.

## **4. Legal and Statutory Implications**

- 4.1 The draft Combined Authorities (Mayoral Elections) Order 2017, once approved by Parliament, will provide the supplementary governing legislation for the conduct of the Mayoral election.

4.2 Whilst the Local Returning Officer is designated by the Council, he is individually legally responsible for the delivery of the election. Additionally, Section 6(2) of the Order provides for the Combined Authority Returning Officer to issue directions to a Local Returning Officer relating to the discharge of his/her functions at the election. Section 6(3) places a duty on the Local Returning Officer to discharge his/ her functions at the election in accordance with the directions.

## 5. **Implications for the Council's Scorecard Priorities**

5.1 The aim of setting up the West Midlands Combined Authority is to promote economic growth, improve the provision of transport and address public sector reform. This is in line with the Council's aim to deliver prosperity and social justice by ensuring that local people, including those who are most disadvantaged, are able to benefit from that growth.

## 6. **Background Details**

No further details are required.

### **Background papers**

Combined Authorities (Mayoral Elections) Order 2017