

<b>25 January 2023</b>		<b>ITEM: 10</b>
<b>Council</b>		
<b>Appointment of Electoral Registration Officer and Registration Officer</b>		
<b>Wards and communities affected:</b> N/A	<b>Key Decision:</b> Non-Key	
<b>Report of:</b> John Jones, Director of Legal and Governance and Monitoring Officer		
<b>Accountable Assistant Director:</b> N/a		
<b>Accountable Director:</b> John Jones, Director of Legal and Governance and Monitoring Officer		
<b>This report is</b> Public		

## **Executive Summary**

Section 35 of the Representation of the People Act 1983 require the Council to appoint a Returning Officer and under Section 8 of the same Act the Council must also appoint an Electoral Registration Officer.

The purpose of this report is to make appointments to these roles.

### **1. Recommendation(s)**

- 1.1. That Ian Wake the Acting Chief Executive be appointed Returning Officer and Electoral Registration Officer.**
- 1.2. That the Director of Legal and Governance be appointed as Deputy Electoral Registration Officer.**

### **2. Introduction and Background**

- 2.1 The Council is required under section 8(2) of the Representation of the People Act 1983 to appoint an officer of the Council to be registration officer for any constituency or part of a constituency coterminous with or situated in the Borough known as the Electoral Registration Officer. The appointment of a deputy Electoral Registration Officer is also a function of the Council and is required to ensure that the necessary electoral decisions can be implemented when the ERO is not available. Without such an appointment there is a risk that electors may be disadvantaged.

- 2.2 The Electoral Registration Officer is the person with statutory responsibility amongst other things for the creation and maintenance of the register of electors and the absent voters list. This person takes responsibility for publishing a revised electoral register and issuing monthly alterations notices.
- 2.3 The Council is required under section 35(1) of the Representation of the People Act 1983 to appoint an officer of the Council to be the Returning Officer for local elections i.e. county, borough and parish elections.
- 2.4 The Returning Officer for local elections may by writing under his hand appoint one or more persons to discharge all or any of his functions
- 2.5 Under section 28(1) of the Representation of the People Act 1983 the duties of the Returning Officer for a parliamentary election registration officer is discharged as Acting Returning Officer by the registration officer.
- 2.6 An Acting Returning Officer also has power to appoint deputies to discharge all or any of those duties (see Section 28(5) of the Representation of the People Act 1983).
- 2.7 The Council therefore needs to formally appoint to these posts of Electoral Registration Officer (ERO) and Returning Officer (RO)(for local elections), and it is recommended that the Acting Chief Executive be duly appointed.

### **3. Issues, Options and Analysis of Options**

- 3.1 The appointments are legally required in order that the Council can continue to meet its statutory responsibilities in respect of electoral administration
- 3.2 The ERO is an officer of the Council but the role of Electoral Registration is a personal responsibility, independent and separate from their duties as an employee of the Council. The roles of Returning Officer and Electoral Registration Officer are typically combined and performed by a single person. These Officers are appointed by Full Council. It is proposed to make the appointment as set out in the recommendations to have immediate effect in order to comply with legislative requirements.

### **4. Reasons for Recommendation**

- 4.1 As set out above.

### **5. Consultation (including Overview and Scrutiny, if applicable)**

- 5.1 Not applicable

### **6. Impact on corporate policies, priorities, performance and community impact**

- 6.1 Electors in the Borough have a statutory right to be able to vote at any election or referendum, but to be able to do this, they need to be on the Electoral Register, and they need to have confidence that their personal data is safeguarded in accordance with the appropriate legislation. It is essential that voters have complete trust in the electoral process, and it is the personal responsibility of the ERO and RO to that this is the case.

## **7. Implications**

### **7.1 Financial**

Implications verified by: **Rosie Hurst**  
**Interim Senior Management Accountant**

None arising from this report.

### **7.2 Legal**

Implications verified by: **John Jones**  
**Director of Legal and Governance and  
Monitoring Officer and Monitoring Officer**

The Representation of the People Act 1983 requires appointments to be made. Under the Council's Constitution, electoral matters are reserved to full Council

### **7.3 Diversity and Equality**

Implications verified by: **Roxanne Scanlon**  
**Community Engagement and Project  
Monitoring Officer**

There are no diversity implications within this report.

### **7.4 Other implications** (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder, or Impact on Looked After Children

None

## **8. Background papers used in preparing the**

None

## **9. Appendices to the report**

None

**Report Author:**

John Jones

Director of Legal and Governance and Monitoring Officer