

24 May 2023		ITEM: 10
Annual Council		
Appointment of Statutory Scrutiny Officer, Electoral Registration Officer and Returning Officer		
Wards and communities affected: Not Applicable	Key Decision: Non-Key	
Report of: Asmat Hussain, Interim Director of Law, and Governance & Monitoring Officer		
Accountable Assistant Director: Not Applicable		
Accountable Director: Asmat Hussain, Interim Director of Law, and Governance & Monitoring Officer		
This report is public		

Executive Summary

The Council must appoint individuals to particular roles, including the role of Statutory Scrutiny Officer.

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

- 1. Recommendation(s)**
 - 1.1 To note the appointment of Matthew Boulter (Democratic Services Manager) as the authority’s Statutory Scrutiny Officer.**
 - 1.2 That Dave Smith (Chief Executive) be appointed Electoral Registration Officer and Returning Officer.**
 - 1.3 That the (Interim) Director of Law, Governance and Monitoring Officer be appointed as the Deputy Electoral Registration Officer.**

2. Introduction and Background

Statutory Scrutiny Officer

- 2.1** Originally introduced by the Local Democracy, Economic Development and Construction Act 2009, the requirement for English councils to designate a “statutory” scrutiny officer can now be found at s9FB of the Local Government

Act 2000 (the legislative framework having been altered by the Localism Act 2011).

- 2.2 The statutory scrutiny officer's role is (these points paraphrase the precise wording of the Act, which can be found at <http://www.legislation.gov.uk/ukpga/2011/20/schedule/2>):
- To promote the role of the authority's overview and scrutiny committee(s);
 - To provide support to the authority's overview and scrutiny function and to local councillors;
 - To provide guidance to members and officers of the council in relation to overview and scrutiny functions.

Electoral Registration Officer and Returning Officer.

- 2.3 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.
- 2.4 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.
- 2.5 To facilitate the smooth running of the Electoral Registration process it is recommended that a Deputy Electoral Registration Officer (DERO) is also appointed.
- 2.6 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.
- 2.7 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.
- 2.8 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.
- 2.9 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).
- 2.10 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 Dave Smith be duly appointed, with the (Interim) Director of Law, Governance and Monitoring Officer as the Deputy Electoral Registration Officer.

3. Issues, Options and Analysis of Options

- 3.1 The statutory scrutiny officer cannot be the authority's Head of Paid Service, the Monitoring Officer or the Chief Finance Officer.
- 3.2 The Full Council is asked to note the appointment of Matthew Boulter, Democratic Services Manager, as the authority's Statutory Scrutiny Officer.
- 3.3 The appointments of ERO and RO are legally required in order that the Council can continue to meet its statutory responsibilities in respect of electoral administration
- 3.4 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 The Council are required to appoint appropriate officers to undertake these statutory roles.

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

- 5.1 The Leader and group leaders have been consulted on this appointment prior to this report being published.

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

- 6.1 Appointment to this statutory role ensures that the Council complies with legislation to have an appropriate officer in place to undertake the duties of the role. The role will be key in delivering and supporting the activities relating to the proposed review of Overview and Scrutiny, as part of the Improvement and Recovery Plan.
- 6.2 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

The Statutory Scrutiny Officer is a strategic level role that will require the officer currently identified to receive pay that is equivalent to the responsibilities and requirements of the post. Any change to salary will be met through the improvement and recovery budget.

7.2 Legal

Implications verified by: **Asmat Hussain**

Director of Law and Governance

The report ensure that the Council complies with its statutory duties as set out in the report to appoint an officer of the Council as the Statutory Scrutiny Officer and the requirements under the Representation of the People Act 1983 to appoint an Electoral Registration Officer and Returning Officer. 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 direct diversity implications relating to 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 report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- None

9. Appendices to the report

- None

Report Author:

Asmat Hussain

Interim Director of Law and Governance

Legal Services