

20 May 2015

Annual Council

Appointment of Electoral Registration Officer and Returning Officer

Report of: *Christopher Potter, Monitoring Officer and Head of Support Services*

Wards Affected: *All*

This report is: *Public*

1. Executive Summary

1.1 The Council must appoint a named individual to the roles of the Electoral Registration Officer and Returning Officer.

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

2. Recommendation(s)

2.1 That (name to be advised) be appointed as the Registration Officer under section 8 of the Representation of the People Act 1983.

2.2 That (name to be advised) be appointed as the Returning Officer under section 35 of the Representation of the People Act 1983.

3. Introduction and Background

3.1 Over recent times there have been a number of appointments made to the roles of the Electoral Registration Officer and Returning Officer as a result of various changes in staffing at the Council.

3.2 The Council again needs to appoint to the roles of Electoral Registration Officer and Returning Officer in order for statutory duties to be undertaken.

4. Issue, Options and Analysis of Options

4.1 Electoral Services is a crucial core service which operates throughout the year, and which amongst other things administers Borough Council

elections by thirds. Frequent changes in appointments do nothing to assist with the continuity of, and development of, the service.

- 4.2 The Council is a relatively small Borough Council and has traditionally appointed its Chief Executive/Managing Director as Electoral Registration Officer and Returning Officer, though this has not always been the case, and does not necessarily need to be the case.
- 4.3 Any person appointed to the roles should preferably had experience of undertaking senior duties in a range of elections. Experience of managing Electoral Services would be advantageous but not essential.
- 4.4 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.
- 4.5 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.
- 4.6 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.
- 4.7 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
- 4.8 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.
- 4.9 An acting returning officer 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).
- 4.10 The Council therefore needs to formally appoint to these posts of Registration Officer and Returning Officer (for local elections), and it is recommended that an officer be duly appointed.

5. Reasons for Recommendation

- 5.1 The appointments are legally required in order that the Council can continue to meet its statutory responsibilities in respect of electoral administration following the departure from the Council of Graham Farrant, the Chief Executive, when he takes up his new post on 1 June 2015.

6. Consultation

- 6.1 None.

7. References to Corporate Plan

- 7.1 None.

8. Implications

Financial Implications

Name & Title: Chris Leslie, Finance Director

Tel & Email: 01277 312542 / christopher.leslie@brentwood.gov.uk

- 8.1 None arising from this report.

Legal Implications

Name & Title: Christopher Potter, Monitoring Officer and Head of Support Services

Tel & Email: 01277 312860 / christopher.potter@brentwood.gov.uk

- 8.2 The Representation of the People Act 1983 requires appointments to be made. Under Chapter 3 of the Council's Constitution, electoral matters are reserved to full Council (see Part 3.1, rule 1.2(i) on page 27).

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

- 8.3 None except that frequent changes in personnel may increase the risk of impairment in the quality of service delivery.

9. Background Papers (include their location and identify whether any are exempt or protected by copyright)

9.1 None.

10. Appendices to this report

None.

Report Author Contact Details:

Name: Christopher Potter

Telephone: 01277 312860

E-mail: christopher.potter@brentwood.gov.uk