

# North Somerset Council

## Report to the Planning & Regulatory Committee

**Date of Meeting: 21 September 2022**

**Subject of Report: Appointment of Electoral Registration Officer and Returning Officer**

**Town or Parish: All**

**Officer/Member Presenting: Executive Member for Corporate Services**

**Key Decision: No**

### **Reason:**

No significant financial or community impact

### **Recommendations**

1. that the post of Assistant Director Legal and Governance be designated Returning Officer (and Electoral Registration Officer) for elections in accordance with the Representation of the People Act 1983 following changes to the post title, and
2. that the post of Head of Democratic and Electoral Services be appointed as Deputy Electoral Registration Officer in line with the current structure of Democratic and Electoral Services.

### **1. Summary of Report**

The Council needs to update the Returning Officer and Electoral Registration Officer designations following changes in post title. Those roles are responsible for elections and the provision of the register of electors.

The Council needs to designate a Deputy Electoral Registration Officer. It is proposed to designate this to the Head of Democratic and Electoral Services in line with the recently adopted structure of Democratic and Electoral Services.

### **2. Policy**

These are statutory appointments. The Council must appoint individuals to the roles of Returning Officer, Electoral Registration Officer, and Deputy Electoral Registration Officer. The Constitution delegates authority for these appointments to the Planning and Regulatory Committee.

### **3. Details**

The Council has a duty to appoint a Returning Officer under the Representation of the People Act 1983. This is a statutory office separate from an officer's normal employment. For legal reasons it is linked to the office of Electoral Registration Officer.

### **3.1 Returning Officer**

The Returning Officer is the person who has overall responsibility for the conduct of all elections, working with electoral services staff and regional returning officers as appropriate for regional elections.

It is the Returning Officer's general duty at elections to do all such acts and things as may be necessary for effectively conducting the election, for example:

- The nomination process for candidates and political parties;
- Provision, administration, security, notification and accessibility of polling stations;
- Appointment of staff such as presiding officers, poll clerks and count staff;
- Preparation and issue of all ballot papers; issue, receipt and counting of postal ballot papers;
- Organising and delivering the count and declaration of results;
- Receipt of all candidates' election expenses returns;
- Presentation of final account and claiming appropriate funding from central government as prescribed;
- Secure retention and timely destruction of election documents.

At an election, the Returning Officer may appoint election specific deputies.

### **3.2 Electoral Registration Officer**

The Electoral Registration Officer is the person with statutory responsibility for the creation, maintenance, security, and distribution of the register of electors and the absent voters list. The register of electors is based on an annual canvass and monthly rolling registration of all properties where electors reside.

At an election, the Electoral Registration Officer has a statutory obligation to provide the registers and absent voters list for each polling station as well as to the candidates at the election and to the Returning Officer

The offices of Returning Officer and Electoral Registration Officer were both previously held by the Head of Legal and Democratic Services. As members are aware, that post was absorbed in part into that of the Assistant Director Legal and Governance. This post already manages the election and electoral registration functions and the postholder has already acted as Returning Officer and Electoral Registration Officer

It is therefore proposed that the Assistant Director Legal and Governance be designated Returning Officer and Electoral Registration Officer.

It is further proposed that the role of Head of Democratic and Electoral Services be designated Deputy Electoral Services Officer as this post already holds delegated authority for electoral registration functions and the postholder already has experience in this role.

## **4. Consultation**

None

## **5. Financial Implications**

There is no change to the existing budget and charging arrangements in place as a result of this report.

## **Costs**

None

## **Funding**

None

## **6. Legal Powers and Implications**

The Representation of the People Act 1983 Section 35 requires the council to appoint an officer of the council to the Returning Officer in local elections.

It is a requirement of Section 8 of the Representation of the People Act 1983 that the council appoints an Electoral Registration Officer. By virtue of s28(1) of the Act, only the ERO may act as Acting Returning Officer in parliamentary elections.

Any failure to do so could lead to the council being challenged for failing to meet its statutory duties.

Responsibility for appointing a Deputy Returning Officer rests with the Returning Officer. However, s52(2) of the Act provides that any deputy ERO must also be approved by the council.

## **7. Climate Change and Environmental Implications**

None

## **8. Risk Management**

Failure to appoint to these statutory posts could lead to the council being challenged for failing to meet its statutory duties.

## **9. Equality Implications**

Have you undertaken an Equality Impact Assessment? No

## **10. Corporate Implications**

N/A

## **11. Options Considered**

None – given officers with suitable experience and seniority

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### **Appendices:**

None

### **Background Papers:**

None