

# MIDDLESBROUGH COUNCIL

AGENDA ITEM 4

## COMMITTEE REPORT

### CORPORATE AFFAIRS COMMITTEE

5 November 2013

#### APPOINTMENT OF THE 'RETURNING OFFICER' & ELECTORAL REGISTRATION OFFICER FOR THE COUNCIL

#### KAREN WHITMORE - ASSISTANT CHIEF EXECUTIVE

#### PURPOSE OF THE REPORT

- 1 The purpose of this report is to seek the approval for the appointment of Karen Whitmore, Assistant Chief Executive as the Returning Officer and the Electoral Registration Officer in accordance with the Representation of the People Act 1983.

#### BACKGROUND

- 2 Every district council in England is required by Section 35(1) of the Representation of the People Act 1983 Act to appoint an officer of the council to be the returning officer for elections of councillors of the county and every district council shall appoint an officer of the council to be the returning officer for the elections of councillors of the district and an officer of the council to be the returning officer for elections of councillors of parishes or communities within the district.
- 3 Section 8(2)(a) of the Act also requires the Council to appoint an officer to be the Electoral Registration Officer. The Electoral Registration Officer is responsible for the preparation and maintenance of the electoral register for any parliamentary constituency or part of a constituency within its area.
- 4 According to Section 24(1) (b) the returning Officer for Parliamentary Elections is Chair of the Council (Steve Bloundele) who delegates authority for the management of the election to the Acting Returning Officer who is the Electoral Registration Officer.
- 5 According to Section 28(1) of the Act, only the Electoral Registration Officer may act as the (Acting) Returning Officer at Parliamentary elections, therefore It makes sense to ensure that one officer is appointed as both the roles and therefore responsible for all local and national elections and referenda.
- 6 Both of these roles were undertaken by Richard Long (Director of Legal & Democratic Services) who left the authority on the 30 September 2013. Therefore the Council needs to appoint a replacement.

- 7 The Returning Officer is the person who has the overall responsibility for the conduct of elections. The Returning Officer is responsible for:
- the nomination process for candidates and political parties
  - provision and notification of polling stations
  - appointment of Presiding Officers and polling clerks
  - appropriate administration and security of polling stations
  - preparation of all ballot papers
  - the actual count and declaration of results
  - issue, receipt and counting of postal ballot papers
  - all candidates' election expenses returns
  - presentation of final accounts and,
  - reclaiming of expenditure from external bodies as prescribed.
- 8 It must be emphasised that these duties of the Returning Officer are separate from his/her duties as a local government officer. The Returning Officer is personally liable for the conduct of the election, and only Council can designate an alternative Returning Officer to discharge these functions. This committee has delegated authority to consider and approve this appointment on behalf of the Council.
- 9 The Electoral Registration Officer is an official appointed by the Council to prepare and maintain the Register of Electors. If there were a legal challenge to any act of including, or refusing to include, somebody within the register of electors, it is the Electoral Registration Officer that would convene and conduct the hearing required by statute.
- 10 The legislative landscape with regard to electoral registration and the management of elections is becoming increasingly complicated. Electoral Registration Officers and Returning Officers are now subject to monitoring by the Electoral Commission who have established appropriate performance standards. The Political Parties and Referendums Act 2012 is bringing into effect Individual Electoral Registration. The new Individual Electoral Register which will replace the current register based on household registration will come into force in July 2014.

## **PROPOSALS**

- 11 To appoint Karen Whitmore, Assistant Chief Executive as the Returning Officer and Electoral Registration Officer for the council.
- 12 Historically in Middlesbrough these roles sat with the Director of Legal & Democratic Services who has now retired. The responsibility for the department now falls under the remit of the Assistant Chief Executive and therefore it is proposed that she now undertake these roles.
- 13 To appoint Sylvia Reynolds who has day-to-day management for Electoral Services as the Deputy Electoral Registration Officer that will enable robustness and continuity in the absence of the Electoral Registration Officer.

- 14 The Returning officer has the power to appoint deputies in the case of all elections.

### Reasons

- 15 The efficient conduct of the electoral registration process and elections is one of the highest-profile functions that the Council undertakes. Any challenge to these processes could result in adverse publicity and legal sanction against the Returning Officer personally and the Council.
- 16 Therefore the position of the Returning Officer and Electoral Registration Officer is usually undertaken by a senior officer of the Authority who has the ability to ensure that the appropriate resources and finances are available to ensure the efficient running of an election and remaining compliant with the Representation of the People Act 1983.

### **FINANCIAL CONSIDERATIONS**

- 17 There are no financial implications for the Council. The Returning Officer is paid on a scale fee basis as prescribed in legislation in respect of individual elections as and when they are held.
- 18 Provision is made in the Council's budget for the running costs associated with local government elections. Central government pays for UK Parliamentary and European Parliamentary elections (including national referendums).

### **RECOMMENDATIONS**

- 19 To appoint, with effect from 5 November 2013 Karen Whitmore (Assistant Chief Executive) as the Council's Returning Officer and the Electoral Registration Officer.
- 20 Confirm Sylvia Reynolds as Deputy Electoral Registration Officer.

### **AUTHOR**

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