

COMMITTEE REPORT

CORPORATE AFFAIRS AND AUDIT COMMITTEE

29 SEPTEMBER 2016

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

**JAMES BROMILEY – STRATEGIC DIRECTOR
FINANCE, GOVERNANCE AND SUPPORT**

PURPOSE OF THE REPORT

- 1 The purpose of this report is to seek the approval for the appointment of Bryn Roberts, Monitoring Officer, as the Returning Officer and the Electoral Registration Officer in accordance with the Representation of the People Act 1983 ("the Act").

BACKGROUND

- 2 Relevant local authorities are required by the Act to appoint an officer of the council to be the Returning Officer for the running of various electoral franchises, including Parliamentary, European, Local, and Parish elections.
- 3 In addition, 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 In accordance with section 24(1)(b) of the Act, the returning Officer for Parliamentary Elections is Chair of the Council (Steve Bloundele); however, under section 28(1)(a) of the Act, the Parliamentary Returning Officer's duties may only be discharged by the Electoral Registration Officer as Acting Returning Officer. Consequently, it makes sense to ensure that one officer is appointed to both roles and therefore responsible for all local and national elections and referenda.
- 5 Both of these roles were most recently undertaken by Nigel Sayer, Head of Democratic Services, however, he will be leaving the authority on 30 September 2016, and the Council therefore needs to appoint a successor.
- 6 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.

- 7 It must be emphasised that these duties of the Returning Officer are separate from their 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.
- 8 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.
- 9 The efficient conduct of the electoral process (both elections and electoral registration) is one of the highest profile functions which the Council undertakes. Any challenge to these processes could result in significant adverse publicity to the Council, and legal sanction against the Returning Officer personally and the Council corporately. It is therefore essential that the Council designates an officer to cover the roles of Returning Officer and Electoral Registration Officer. The officer appointed to the above roles can designate deputies to act in their place.

FINANCIAL CONSIDERATIONS

- 10 Section 36(4) of the Act requires that all properly incurred expenditure of the Returning Officer, in relation to local Elections, must be met by the Council.
- 11 The fee payable to the Returning Officer is set by statute (dependent on the size of the electorate entitled to vote) for national elections, and is paid by Central Government. For local elections (Mayoral, district and parish) the fee is based on a Tees Valley regional agreement and is paid by the local authority.
- 12 Section 54(1) of the Act requires that all costs properly incurred by the Electoral Registration Officer in compilation of the register must be met by the District Council. No additional fee or payment is made for this role.

RECOMMENDATIONS

- 13 It is therefore recommended that, with effect from 1 October 2016, committee appoints Bryn Roberts, Monitoring Officer, as the Council's Returning Officer and the Electoral Registration Officer.

REASON FOR RECOMMENDATION

- 14 To comply with the requirements of the Act.

AUTHOR

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