

Allerdale Borough Council

Council - 7 March 2018

**Appointment of Deputy Electoral Registration Officers**

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<b>The Reason for the Decision:</b>	Deputy Electoral Registration Officers are able to act on behalf of the Electoral Registration Officer in certain circumstances
<b>Summary of options considered:</b>	To appoint two Deputy Electoral Registration Officers
<b>Recommendations:</b>	That Council agrees, with immediate effect, to appoint both the Head of Governance and the Electoral Services Manager as statutory Deputy Electoral Registration Officers in accordance with Section 52(2) of the Representation of the People Act 1983
<b>Financial / Resource Implications</b>	None
<b>Legal / Governance Implications</b>	The proposals will enable the Electoral Registration Officer to comply fully with the legislative requirements of his role
<b>Community Safety Implications</b>	None
<b>Health and Safety and Risk Management Implications</b>	None
<b>Equality Duty considered / Impact Assessment completed</b>	N/A
<b>Wards Affected:</b>	None
<b>Is this a Key Decision:</b>	No
<b>Portfolio Holder:</b>	Councillor Joan Ellis
<b>Lead Officer</b>	Lindsay Tomlinson Electoral Services Manager  lindsay.tomlinson@allerdale.gov.uk

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## Report Implications

Community Safety	N	Financial	N
Legal	Y	Partnership	N
Social Inclusion	N	Asset Management	N
Equality Duty	N	Health and Safety	N
Employment (internal)	N	Employment (external to the Council)	N

## Background Papers

Representation of the People Act 1983  
Electoral Registration and Administration Act 2013

### 1.0 Introduction

- 1.1 Under Section 8(2) of the Representation of the People Act 1983 (The Act) the council must appoint an Electoral Registration Officer (ERO) to maintain the electoral register for the area. This statutory post is held by the Corporate Director.
- 1.2 Section 52(2) of The Act provides that an authority may appoint deputy electoral registration officers to perform and exercise any of the duties and powers of the ERO in his absence.
- 1.3 The Council currently does not have any appointed Deputy Electoral Registration Officers.

### 2.0 Appointment of Deputy Electoral Registration Officers

- 2.1 Although the Electoral Registration Officer is an officer of the council he is not under the direction and control of the council when acting as ERO and has personal responsibility for the compiling, maintenance and distribution of the register of electors in accordance with relevant legislation.
- 2.2 The Council may also designate officers of the council as Deputy Electoral Registration Officers in accordance with the provisions of section 52(2) of the Representation of the People Act 1983.
- 2.3 Objections can be made to an entry in the electoral register at any time and the ERO may be required to conduct a review of an entitlement to registration at any time. As an objection and a review may have to be conducted within a statutory timetable and procedure the ERO may not be available and therefore a deputy could undertake those responsibilities to ensure that the legal requirements are met.
- 2.4 Under the Electoral Registration and Administration Act 2013 if an elector cannot prove their eligibility to be registered then the ERO is required to

undertake a review. There are three types of reviews; Type A, Type B and Type C. Type A and Type C reviews may result in hearings which are bound by statutory timescales. These hearings are quasi-judicial and the Electoral Commission has therefore recommended that they should only be carried out by properly appointed EROs or Deputy EROs.

### **3.0 Finance/Resource Implications**

3.1 There are no financial implications arising from the proposal.

### **4.0 Legal Implications and Risks**

4.1 The designation of deputies will ensure that the electoral registration officer is able to comply with his statutory responsibilities as set out in the Representation of the People Act 1983 and the Electoral Registration and Administration Act 2013.

### **5.0 Recommendations**

5.1 That Council agrees, with immediate effect, to appoint both the Head of Governance and the Electoral Services Manager as statutory Deputy Electoral Registration Officers in accordance with Section 52(2) of the Representation of the People Act 1983

**Lindsay Tomlinson**  
**Electoral Services Manager**