

Allerdale Borough Council

Council – 07 December 2022

Appointment of Returning Officer and Electoral Registration Officer

Portfolio holder	Councillor M Fitzgerald, PH Policy, Governance and People Resources
Report from	Sharon Sewell, Chief Officer Place & Governance, Monitoring Officer
Wards affected	All wards
Is this a key decision	No

1.0 The reason for the decision

- 1.1 To appoint a Returning Officer (RO) and Electoral Registration Officer (ERO).
- 1.2 To appoint a Deputy Electoral Registration Officer (DERO).

2.0 Recommendations

- 2.1 That Council agrees, with effect from 01 January 2023, to appoint Paul Wood (Interim Chief Executive) as Returning Officer and Electoral Registration Officer.
- 2.2 To appoint, with immediate effect, Lee Jardine (Senior Specialist – Elections) as Deputy Electoral Registration Officer.

3.0 Background and Introduction

- 3.1 Under Section 8(2) of the Representation of the People Act 1983 the council must appoint an Electoral Registration Officer (ERO) to maintain the electoral register for the area.
- 3.2 The Electoral Registration Officer, although an officer of the Council 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 UK Parliamentary and Local electors in accordance with relevant legislation. The ERO

is also required to secure as far as practicable, persons who are entitled to be registered are so registered.

- 3.3 Under the Electoral and Administration Act 2013, if an elector cannot prove their eligibility to be registered then the ERO is required to undertake a review. Some reviews may result in hearings, these hearings are quasi-judicial and the Electoral Commission recommends that they should be only carried out by appointed EROs and their Deputy EROs.
- 3.4 Section 52(2) of the Representation of the People Act 1983 provides that an authority may appoint deputy electoral registration officers to perform and exercise any of the duties and powers of the ERO in their absence.
- 3.5 Under Section 35(1) of the Representation of the People Act 1983 the Council must appoint an officer of the Council to be the Returning Officer (RO) to ensure that elections are administered effectively and that, as a result, the experience of voters and those standing for election is a positive one
- 3.6 The Returning Officer, although an officer of the Council is not under the direction and control of the Council when undertaking duties as RO and has personal responsibility for ensuring the conduct of an election is in accordance with relevant legislation.
- 3.7 Under Section 34(4) of the Representation of the People Act 1983, it is the Returning Officer, not Council that can appoint deputies to discharge all or any of their functions. The RO however cannot delegate personal responsibility for delivering any election.
- 3.8 As per the Scheme of Delegation, both statutory posts (Returning Officer and Electoral Registration Officer) are held by the Chief Executive.

4.0 Current Arrangements

- 4.1 The incumbent Returning Officer and Electoral Registration Officer is the Chief Executive of Allerdale Borough Council, Andrew Seekings. On 31 December 2022, he will depart from his role with Allerdale Borough Council to become Chief Executive of Cumberland Council.
- 4.2 From 01 January 2023, Paul Wood (Interim Head of Paid Service) will become Chief Executive and Head of Paid Service of Allerdale Borough Council.
- 4.3 The Council currently has one Deputy Electoral Registration Officer, (Chief Officer Place and Governance), the appointment of a second will increase resilience and provide additional assurance to the Electoral Registration Officer.

5.0 Implications and Impact

5.1 Finance/Resource implications

The Returning Officer is paid on a scale fee basis which is agreed by Council in respect of individual elections as and when they are held.

There are no financial implications for the post of Electoral Registration Officer as no additional remuneration is payable.

5.2 Legal and governance implications

Both the Returning Officer and Electoral Registration Officer are statutory roles and which must be appointed by Council.

5.3 Risk analysis

A scored and mitigated risk log

Risk	Consequence	Controls required	Mitigated score
The Council does not appoint an Electoral Registration Officer to replace the departing Chief Executive.	The Council does not meet its statutory duty as set out in relevant legislation.	Appoint Returning Officer and Electoral Registration Officer.	Low

5.4 Increasing satisfaction and service

Not applicable to this report.

5.5 Equality impacts

Equality impacts have been considered.

5.6 Health and Safety impacts

There are no health and safety implications directly associated with this report.

5.7 Health, wellbeing and community safety impacts

There are no health, wellbeing and community safety implications directly associated with this report.

5.8 Environmental/sustainability impacts

There are no environmental/sustainability implications directly associated with this report.

5.9 Other significant implications

None

Appendices attached to this report

Appendix number	Title of appendix
N/A	

Background documents available

Name of background document	Where it is available
N/A	

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