

**CORPORATE LEADERSHIP TEAM'S**  
**REPORT TO COUNCIL**

**14<sup>th</sup> February 2024**

**Report Title:** Interim Appointment of Returning Officer and Electoral Registration Officer

**Submitted by:** Chief Executive Officer

**Portfolios:** All

**Ward(s) affected:** All

<p><b><u>Purpose of the Report</u></b></p> <p>To seek approval for the appointment of an interim appointment of the Returning Officer and Electoral Registration Officer pending permanent recruitment processes.</p>
<p><b><u>Recommendation</u></b></p> <p><b>That Council:</b></p> <p>In accordance with the Representation of the People Act 1983, approve the temporary appointment of Anthony Harold (Monitoring Officer) to the posts of Returning Officer and Electoral Registration Officer as an interim arrangement, with effect from 1<sup>st</sup> April 2024 pending permanent recruitment to the Chief Executive Officer role.</p>
<p><b><u>Reasons</u></b></p> <p>To comply with the requirement of the Representation of the People Act 1983 that all local authorities designate a Returning Officer and Electoral Registration Officer.</p>

**1. Background**

- 1.1** Under the Representation of the People Act, each District Council is required to 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 within the district.
- 1.2** Council is also obliged to appoint an Electoral Registration Officer and it is practical and reasonable that these responsibilities are discharged by the same officer.
- 1.3** The Returning Officer has a statutory responsibility over the following matters:

- 1.3.1** The Returning Officer will be responsible for maintaining complete and accurate records and for reconciliation with regard to elections' accounts.
- 1.3.2** 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 and notification of polling stations
  - Appointment of staff such as presiding officers 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
  - Retention of election documents
- 1.4** The Electoral Registration Officer is the person with statutory responsibilities for the creation, maintenance, security and distribution of the register of electors and the absence voters list. The register of electors is based on an annual cavass and monthly rolling registration of all properties where electors reside. The Electoral Registration Officer maintains four registers of those entitled to vote at various types of elections.
- 1.5** The Electoral Registration Officer takes responsibility for publishing a revised electoral register and issuing monthly alterations notices.
- 1.6** At an election, the Electoral Registration Officer has a statutory obligation to provide registers and absent voters list for each polling station as well as to candidates at the election and to the Returning Officer.
- 1.7** In the event of a Parliamentary election being called, the Electoral Registration Officer would be the Acting Returning Officer; the Mayor is the Returning Officer at Parliamentary elections as an honorary position.
- 1.8** Different terminology from time to time, is used to refer to the above posts such as in the case of the Police, Fire and Crime Commissioner, the post is termed the Local Returning Officer and in the case of a Neighbourhood Plan Referendum, the term used is Counting Officer. For simplicity this report refers to Electoral Registration Officer and Returning Officer but with the intention that all such duties are incorporated.

## 2. Issues

- 2.1 The current Chief Executive has tendered his resignation and will leave his post on 31<sup>st</sup> March 2024. This officer currently discharges the duties of the Returning Officer and Electoral Registration Officer.
- 2.2 Although the recruitment process for a substantive appointment has commenced, it is unlikely that a permanent replacement will be in post from 1<sup>st</sup> April 2024. There will be an election for Police Fire and Crime Commissioner in May 2024. Therefore an interim appointment is required to satisfy our statutory responsibilities as outlined above.

## 3. Recommendation

- 3.1 In accordance with the Representation of the People Act 1983, approve the temporary appointment of Anthony Harold (Monitoring Officer) to the posts of Returning Officer and Electoral Registration Officer as an interim arrangement, with effect from 1<sup>st</sup> April 2024 pending permanent recruitment to the Chief Executive Officer role.

## 4. Reasons

- 4.1 To comply with statutory duties

## 5. Options Considered

- 5.1 Alternatives considered were to appoint an external interim however this option is a significantly more expensive option.
- 5.2 Consideration has been given to approaching a neighbouring authority regarding a shared arrangement in the short term, however given that in the event of an election all local authorities would be fully utilising available resources.
- 5.3 The internal appointment provides short term cover with existing knowledge and relationships within the Authority

## 6. Legal and Statutory Implications

- 6.1 This proposal is being made in order to comply with requirements under the Representation of the People Act 1983

## 7. Equality Impact Assessment

- 7.1 n/a

## 8. Financial and Resource Implications

8.1 There is no additional cost to the arrangement proposed.

9. **Major Risks & Mitigation**

9.1 The Council needs to ensure that it has its statutory officers in place to comply with legal requirements and to demonstrate good governance.

10. **UN Sustainable Development Goals (UNSDG)**

10.1 There is no direct impact on UNSDGs resulting from this appointment

11. **Key Decision Information**

11.1 N/A

12. **Earlier Cabinet/Committee Resolutions**

12.1 N/A

13. **List of Appendices**

13.1 none

14. **Background Papers**

14.1 N/A