



<b>REPORT TO:</b>	Full Council
<b>DATE:</b>	18 September 2023
<b>SUBJECT:</b>	Appointment of the Electoral Registration Officer, Deputy Electoral Registration Officers and Returning Officer
<b>PURPOSE:</b>	To consider the appointment of the Electoral Registration Officer, Deputy Electoral Registration Officers and Returning Officer
<b>KEY DECISION:</b>	NO
<b>PORTFOLIO HOLDER:</b>	N/A
<b>REPORT OF:</b>	John Medler – Assistant Director for Governance and Monitoring Officer
<b>REPORT AUTHOR:</b>	Alison Sparks – Legal Manager and Deputy Monitoring Officer
<b>WARD(S) AFFECTED:</b>	None
<b>EXEMPT REPORT?</b>	No

#### **SUMMARY**

The purpose of this report is to seek Council approval to appoint an Electoral Registration Officer and Returning Officer due to the departure of the previous post holder. The report also seeks a delegation to the Electoral Registration Officer to appoint Deputy Electoral Registration Officers as necessary.

#### **RECOMMENDATIONS:**

- 1) That John Leach, Deputy Chief Executive Communities, be appointed Electoral Registration Officer and Returning Officer with immediate effect.
- 2) That the Council delegates to the Electoral Registration Officer the power to appoint one or more deputies and to revoke or vary such appointments as necessary.

#### **REASONS FOR RECOMMENDATIONS**

To ensure the Council has an appropriately appointed and experienced officers in place to fulfil these statutory duties as required by the legislation.

#### **OTHER OPTIONS CONSIDERED**

Appoint another officer to one or both of the ERO and RO posts.

That the appointment of Deputy EROs be made by the Council.

### **1. BACKGROUND AND REPORT**

1.1 It is a statutory requirement for the Council to appoint one of its officers as the Electoral Registration Officer (ERO) and Returning Officer (RO). The roles of ERO and RO are typically performed by a single person.

1.2 The ERO and RO responsibilities are usually held by a senior official within the authority and are the personal responsibilities of the appointee. The duties undertaken are independent and separate from their duties as an officer of the Council. The ERO's and RO's personal responsibilities include the following:

- Duty to maintain a list of UK Parliamentary and Local Government electors for the area for which s/he acts (Section 9 RPA 1983)
- The requirement to take reasonable steps to obtain information for that purpose and to ensure as far as practicable that persons who are entitled to be registered (and no others) are (Section 9A RPA 1983).
- The requirement to conduct an annual canvass (Section 9D RPA 1983).
- The requirement to give persons invitations to register (Section 9E RPA 1983).
- The requirement to take steps to encourage participation by electors in the electoral process (Section 669 EAA 2006).
- To meet such standards of performance as set by the Electoral Commission (Section 9(A) Political Parties, Elections and Referendums Act 2000).
- Responsibility for the conduct of local government elections including the publishing of notices, administration of nominations, printing of ballot papers, postal voting processes, appointing Presiding Officers/Poll Clerks, verifying/counting votes and declaring results.
- The ERO also discharges the responsibilities of Acting Returning Officer at a UK Parliamentary Election (Section 28 RPA 1983).

1.3 Michelle Sacks was previously appointed to these roles but is leaving the Authority to take up a position with a new authority and therefore a suitable replacement is required to be appointed.

1.4 It is proposed that John Leach, the Council's Deputy Chief Executive for Communities, be appointed to the ERO and RO roles. Mr Leach is a shared officer of the Council's Senior Management Team by an agreement made under S.113 Local Government Act 1972 and has previously been a Deputy Returning Officer.

1.5 Electoral Commission guidance recommends the appointment of a Deputy ERO to carry out the functions of the ERO and be available to act in their absence.

1.6 Under Section 52(2) of the Representation of the People Act 1983, the Council may approve the appointment of Deputy EROs to perform and exercise any of the duties and powers of the ERO. Unlike Returning Officers, the ERO cannot appoint a Deputy themselves, unless the power to do so has been delegated to them.

1.7 In accordance with Electoral Commission guidance, and to ensure that there is an officer available to discharge these functions, it would be sensible to arrange for the ERO to be able to delegate their powers and duties.

## **2. CONCLUSION**

2.1 Appointment of Mr Leach, who is a suitably experienced senior officer, as ERO and RO will fulfil the Council's legal requirements and ensure that local democracy continues to be supported and managed effectively. The proposal to delegate appointment of Deputy EROs to the ERO will ensure that registration matters can be dealt with efficiently and effectively without unreasonable delay in accordance with recommended best practice.

## **IMPLICATIONS**

### **SOUTH AND EAST LINCOLNSHIRE COUNCILS PARTNERSHIP**

None specifically arising from this report. The roles of ERO and RO for East Lindsey District Council and South Holland District Council are respectively undertaken by the shared Chief Executive, Rob Barlow and the shared Deputy Chief Executive Corporate ,Christine Marshall.

## **CORPORATE PRIORITIES**

None

## **STAFFING**

The appointment is made on the basis of suitability for the role(s) and the appointee is an officer of the Council. Further training and development for EROs and ROs is provided through the Association of Electoral Administrators.

## **CONSTITUTIONAL AND LEGAL IMPLICATIONS**

It is a requirement of section 8 of the Representation of the People Act 1983 that the Council appoints an Electoral Registration Officer.

The Representation of the People Act 1983 (s.35) requires the Council to appoint an officer of the Council to be the Returning Officer in local elections. This role is usually carried out by the ERO.

An officer shared under S.113 Local Government Act 1972 from another Council is deemed to be an officer of the Council they are shared to by virtue of S.113(2) LGA 1972.

Failure to appoint to the roles could lead to the Council being challenged in failing to meet its statutory duties.

## **DATA PROTECTION**

The ERO and RO are data controllers and are required to register with the Information Commissioner's Office (ICO)

#### **FINANCIAL**

There are no direct financial implications arising out of this report.

#### **RISK MANAGEMENT**

The ERO and RO responsibilities are personal and carry significant risk to the individual. Indemnity insurance is provided in all cases to the post holders.

#### **CONSULTATION**

Consultation has taken place with Mr Leach and he has confirmed that he is willing to undertake the ERO and RO roles.

#### **REPUTATION**

None

#### **CONTRACTS**

None

#### **CRIME AND DISORDER**

Effective management of electoral registration and elections will minimise the potential for electoral fraud.

#### **EQUALITY AND DIVERSITY/ HUMAN RIGHTS/ SAFEGUARDING**

The appointments are proposed on the basis of suitability for the role(s)

#### **HEALTH AND WELL BEING**

None

#### **CLIMATE CHANGE AND ENVIRONMENTAL**

None

#### **LINKS TO 12 MISSIONS IN THE LEVELLING UP WHITE PAPER**

None

#### **ACRONYMS**

ERO – Electoral Registration Officer

RO – Returning Officer

<b>APPENDICES - NONE</b>
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<b>BACKGROUND PAPERS - NONE</b>
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**CHRONOLOGICAL HISTORY OF THIS REPORT**

A report on this item has not been previously considered by a Council body

**REPORT APPROVAL**

Report author:	Alison Sparks, Legal Manager and Deputy Monitoring Officer
Signed off by:	John Medler, Assistant Director for Governance and Monitoring Officer
Approved for publication:	John Medler, Assistant Director for Governance and Monitoring Officer