

Full Council

13 September 2016



Report of: Shahzia Daya, Interim Service Director – Legal & Democratic Services

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

Ward: Citywide

Recommendation

- 1. That Stephen Hughes, Interim Chief Executive be appointed as the Returning Officer and Electoral Registration Officer for Bristol City Council, as an interim appointment to ensure legislative requirements are met.**
- 2. That Yvonne Dawes be re-confirmed as Deputy Electoral Registration Officer.**
- 3. That other deputy appointments are revoked and the appointments reviewed by the Returning Officer once confirmed in post.**

Summary:

The significant issues in the report are:

The Returning Officer is the person who has the overall responsibility for the conduct of elections in Bristol.

The Representation of the People Act 1983 Section 35 requires the council to appoint an officer of the council to be the Returning Officer in local elections.

The Returning Officer is an officer of the council but the role of the Returning Officer is a personal responsibility independent and separate from their duties as an employee of the council. The Returning Officer may appoint one or more persons to discharge all or any of his/her functions.

The Electoral Registration Officer (ERO) is the person with statutory responsibility for the creation and maintenance of the register of electors and the absent voters list. This person takes responsibility for publishing a revised electoral register and issuing monthly alterations notices. The ERO is also the Acting Returning Officer for UK parliamentary elections.

The Electoral Registration Officer is an officer of the council but the role of the Electoral Registration Officer is a personal responsibility, independent and separate from their duties as an employee of the council. These two roles of Returning Officer and Electoral Registration Officer are typically combined and performed by a single person.

The Returning Officer, Electoral Registration Officer and Deputy Electoral Registration Officer are appointed by Full Council.

At an election, the Returning Officer may appoint election specific deputies.

Policy

The City Council must appoint named individuals to the roles of Returning Officer, Electoral Registration Officer and Deputy Electoral Registration Officer

Consultation

Internal

Mayor and Party Group Leaders.

External

None.

Context

1. The Returning Officer is the person who has the overall responsibility for the conduct of elections in Bristol. They are appointed under the Representation of the People Act 1983. It is the duty of the Returning Officer to organise and conduct elections.

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.

2. The Electoral Registration Officer is the person with statutory responsibility for the creation, maintenance, security and distribution of the register of electors and the absent voters list. The register of electors is based on an annual canvass 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.

3. The Electoral Registration Officer takes responsibility for publishing a revised electoral register and issuing monthly alterations notices.

4. At an election the Electoral Registration Officer has a statutory obligation to provide registers and absent voters lists for each polling station as well as to candidates at the election and to the Returning Officer.

5. In the event of a Parliamentary election being called, the Electoral Registration Officer would be the Acting Returning Officer. The Lord Mayor is the Returning Officer at Parliamentary elections as an honorary position.

Proposal

The proposal is to make the appointments as set out in the recommendation.

Other Options Considered

This is an interim appointment to ensure legislative requirements are met and a reaffirmation of an existing appointment as Deputy ERO.

Public Sector Equality Duties

Before making a decision, section 149 Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following "protected characteristics": age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation;

There are no specific issues arising from these appointments.

Legal and Resource Implications

Legal Implications

The Representation of the People Act 1983 Section 35 requires the council to appoint an officer of the council to be the Returning Officer in local elections.

It is a requirement of Section 8 of Representation of the People Act 1983 that the Council appoints an Electoral Registration Officer. By virtue of s28(1) of the Act only the ERO may act as Acting Returning Officer in parliamentary elections.

Any failure to do so could lead to the council being challenged for failing to meet its statutory duties.

Responsibility for appointing a Deputy Returning Officer rests with the Returning Officer. However s52(2) of the Act provides that any deputy ERO must also be approved by the Council.

The appointment of the Returning Officer is a separate role and payment made by government reflects this. Consideration is to be given to the inclusion of this role/responsibility in the job description of the appropriate senior Council officer for future elections.

Caroline Elwood

Interim Service Manager: Statutory Services

Financial Implications

The Representation of the People Act 1983 makes provision for a scale of expenses to be fixed for the purpose of determining the Returning Officer's expenditure.

Elections are categorised as either "local" (i.e. parish, district, county or unitary) or "Parliamentary" (i.e. Westminster).

Parliamentary elections have their own fees and charges, set by the Cabinet Office and appropriate expenditure on these elections is reclaimed from central government.

In local elections the Returning Officer is paid a fee based on the number of wards where seats are being contested. Payment for the Returning Officer is subject to a scale of fees issued by the Cabinet Office. In the event of a West of England Mayoral Combined Authority election, any payments for the Returning Officer would be reclaimed from the combined authority.

There is no change to the existing budget and charging arrangements in place as a result of this report.

Janet Ditte

Service Manager: Finance Business Support

Appendices

None.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers

None.