

Council – 18th September, 2023

Appointment of Returning Officer and Electoral Registration Officer

Service: All
Wards: All

1. Summary of report

This report clarifies the designation of statutory posts as follows:-

- Returning Officer; and
- Electoral Registration Officer.

2. Recommendation

That Council appoints the Chief Executive as the Council's Returning Officer and Electoral Registration Officer in accordance with Section 35 of the Representation of the People Act 1983, with effect from 9th October, 2023.

3. Report Detail

3.1 At its meeting held on 9th January, 2023, Council:-

- a. Appointed Deborah Hindson to the post of Interim Chief Executive (Head of Paid Service) with effect from 8th February, 2023 and delegated authority to the Director of Human Resources, Organisational Development and Administration & Business Support, to commence contractual negotiations, in consultation with the Leader of the Council.
- b. Appointed Anthony Cox, Director of Governance as the Council's Returning Officer and Electoral Registration Officer in accordance with Section 35 of the Representation of the People Act 1983 with effect from 8th February, 2023, until such time that a new substantive Chief Executive commences employment, or the arrangement is reviewed by Personnel Committee.
- c. Noted that, as the post of Interim Executive Resources and Transformation shall become vacant as of 8th February, 2023, the S151 responsibilities shall fall to the Director of Finance, Corporate Performance and Corporate Landlord.

3.2 On 10th July, 2023, Council approved the recommendation of Personnel Committee to appoint Emma Bennett to the post of Chief Executive (Head of Paid Service) with effect from Autumn 2023 and delegated authority to the Director of Human

Resources, Organisational Development and Administration & Business Support, to commence contractual negotiations, in consultation with the Leader of the Council.

- 3.3 As a Chief Executive has now been appointed, Council is asked to approve the redesignation of the Council's Returning Officer and Electoral Registration Officer from the Director of Governance to the Chief Executive with effect from 9th October, 2023, to ensure that the Council continues to meet its statutory requirements.

4. Financial Implications

- 4.1 Costs will be met from within existing budgets.

5. Legal Considerations

- 5.1 The Council's Constitution sets out that the Chief Executive is authorised to undertake "the powers and duties of Returning Officer for the purpose of Section 35 of the Representation of the People Act 1983", the Act does not require that the Chief Executive of a local authority be appointed Returning Officer. The law states that a council must appoint "one of its officers" to the role Returning Officer and it is imperative that the officer appointed has the necessary skills and experience.
- 5.2 The Council is required to appoint a Returning Officer in accordance with Section 35(1) of the Representation of the People Act 1983 to administer local elections. Elections are conducted by the Returning Officer who has a personal responsibility in law independent and separate from their duties as an employee of the Council. To ensure electoral procedures are not jeopardised in the event of the absence of the Returning Officer it is recommended that deputies are appointed.
- 5.3 The Council is required to appoint an Electoral Registration Officer in accordance with Section 8(2)(a) of the Representation of the People Act 1983. The Electoral Registration Officer is the person with statutory responsibility for the creation and maintenance of the register of electors.
- 5.4 Section 52 (2) & (3) of the Representation of the People Act 1983 Act allows for discharge of the Electoral Registration Officer duties by any Deputy approved by the Council who appointed the Electoral Registration Officer.

6. Citizen Impact

- 6.1 Recruitment to this post will ensure that Walsall citizens receive improved services from the Council.

7. Equality Implications

- 7.1 The proposals will be implemented in line with equality good practice.

8. Consultation

8.1 Consultation has taken place as required.

A handwritten signature in black ink, appearing to read 'D Hindson', with a long horizontal stroke extending to the right.

Deborah Hindson
Interim Chief Executive

Contact Officer

Michelle Leith

Director – Human Resources, Organisational Development and Administration

Michelle.leith@walsall.gov.uk

Author

Neil Picken

Principal Democratic Services Officer

Neil.picken@walsall.gov.uk