

Council – 14th January 2008

Appointment of Electoral Registration Officer, Returning Officer and Deputy Electoral Registration Officer

Summary of report

This report enables the Council to appoint its Electoral Registration Officer (ERO) and Returning Officer, in accordance with the requirements of the Representation of the People Act 1983, consequent to the engagement of the new Chief Executive and also to appoint a Deputy Electoral Registration Officer (DERO) to determine objections and reviews.

Recommendations

- (1) That the Chief Executive, Paul Sheehan, be appointed Electoral Registration Officer and Returning Officer for the District in accordance with the requirements of the Representation of the People Act, 1983, with effect from 7th January 2008.
- (2) That the Electoral Service Manager, postholder, be appointed the Deputy Electoral Registration Officer to determine objections and reviews.
- (3) That in the event that the postholder is unable to perform the role for any reason, the Assistant Electoral Services Manager be appointed to perform the role and duties of the Deputy Electoral Registration Officer.

Legal implications

The appointments are required under Sections 8, 35 and 52 of the Representation of the People Act, 1983 (as amended).

Report detail

There are a number of “Proper Officer” appointments that the local authority is required to make giving responsibility for a specific statutory duty to a named officer. The Electoral Registration Officer for the District is one such position.

The main duty of the Registration Officer relates to the preparation and publication of the Council’s Register of Electors which is used at times of Local, Parliamentary and European Elections. The Registration Officer is also the signatory to election notices and is required to comply with any general or specific directions that may be given by the Secretary of State.

With regard to the conduct of Local Government Elections, the Representation of the People Act 1983 requires every District Council in England to appoint an officer of the Council to be the Returning Officer for the elections of Councillors of the District.

These appointments are currently held by the Interim Chief Executive David Martin. However, pursuant to the appointment of Paul Sheehan to the substantive post of Chief Executive it is considered appropriate for the Council to reallocate responsibilities.

Additionally the Electoral Administration Act 2006 and its subsequent regulations have introduced two new procedures;

- (a) An objection can now be made to an entry in the electoral register at any time, as opposed to within 5 days of an application being made.
- (b) The Electoral Registration Officer (ERO) may now be required to conduct a review of an entitlement to registration at any time.

As a result of these changes, there is the real probability that an objection and a review may have to be conducted by the ERO within a statutory timetable and procedure. The process is such that the ERO may not be available and thus it prudent to appoint a DERO to undertake those responsibilities. The review process allows for a hearing at which evidence under oath from the objector, person objected to, other relevant interested party can be heard orally, by written representations or by representatives in person, with appeals lying to the County Court.

A deputy to an ERO may conduct these reviews, which are quasi-judicial hearings. but can only be appointed the Council. In the run up to elections we expect objections to be raised and thus the increased need for hearings. Therefore it is recommended that pursuant to Section 52(2) of the Representation of the People Act 1983, the Council appoint a Deputy Electoral Registration Officer to perform those duties and powers of the ERO in relation to the conduct of hearings and reviews on electoral registration matters. Further in the event that the DERO is unable to perform the duties and role for any reason the Assistant Electoral Services Manager undertaken the role.



Signed:

**Interim Chief Executive:
David Martin**

Date: 4th January 2008