

**Cheltenham Borough Council**  
**Council – 14 October 2019**

**Appointment of Electoral Registration Officer & Returning Officer**

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| <b>Accountable member</b>       | <b>Cabinet Member for Corporate Services, Councillor Alex Hegenbarth</b>   |
| <b>Accountable officer</b>      | <b>Julie McCarthy</b>  |
| <b>Ward(s) affected</b>         | <b>All</b>   |
| <b>Key/Significant Decision</b> | <b>Yes</b>   |
| <b>Executive summary</b>        | <p>Members will be aware that the Council's previously appointed the Head of Paid Service as the Electoral Registration Officer and Returning Officer. The previous Head of Paid Service left the employment on the Council on the 30 September 2019.</p> <p>These responsibilities are typically held by very senior council officers; most often but not limited to the CEO. It is proposed that the Executive Director Finance &amp; Assets, having undertaken key roles and duties relating to the election process, be appointed to the role of Electoral Registration Officer and Returning Officer. This is also prudent as line management of the elections team will transfer to the Executive Director Finance &amp; Assets from 1 October 2019 thus freeing up time and capacity for the new CEO.</p> <p>This report seeks the approval of the Council to appoint the Executive Director Finance and Assets Paul Jones as the Electoral Registration Officer and Returning Officer for the Borough Council with immediate effect.</p> |
| <b>Recommendations</b>          | <p><b>That Council agrees:-</b></p> <p>That the Executive Director Finance and Assets Paul Jones be appointed as Electoral Registration Officer and Returning Officer for the Borough Council with immediate effect.</p>   |

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| <b>Financial implications</b>  | <p>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.</p> <p>Elections are categorised as either "local" (i.e. parish, district, county or unitary) or "Parliamentary" (i.e. Westminster).</p> <p>Parliamentary elections have their own fees and charges, set by the Cabinet Office and appropriate expenditure on these elections is reclaimed from central government.</p> <p>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.</p> <p>There is no change to the existing budget and charging arrangements in place as a result of this report.</p> <p><b>Contact officer: Andrew Knott</b></p> <p><a href="mailto:Andrew.knott@publicagroup.uk">Andrew.knott@publicagroup.uk</a> Tel 01242 264121</p> |
| <b>Legal implications</b>  | <p>As set out in the report under the Representation of the People Act 1983 the Council is required to appoint an Electoral Registration Officer and a Returning Officer for the Borough Council. Any failure to do so could lead to the council being challenged for failing to meet its statutory duties</p> <p><b>Contact officer: Sarah Farooqi</b></p> <p><a href="mailto:Sarah.farooqi@tewkesbury.gov.uk">Sarah.farooqi@tewkesbury.gov.uk</a>, 01684 272012</p>   |
| <b>HR implications (including learning and organisational development)</b> | <p>As outlined in the body of this report.</p> <p><b>Contact officer: Julie McCarthy,</b></p> <p><a href="mailto:julie.mccarthy@publicagroup.uk">julie.mccarthy@publicagroup.uk</a> 01242 264355</p>  |
| <b>Key risks</b>   | <p>The responsibilities are personal and carry significant risk to the individual. Indemnity insurance is provided in all cases to mitigate the risk of a legal challenge.</p>  |
| <b>Corporate and community plan Implications</b>                           | <p>None arising from this report</p>  |
| <b>Environmental and climate change implications</b>                       | <p>None arising from this report</p>  |
| <b>Property/Asset Implications</b>   | <p>None arising from this report</p>  |

# 1. Background

- 1.1 It is both a statutory and constitutional requirement for the Council to appoint an Electoral Registration Officer and Returning Officer.
- 1.2 Section 8 of the Representation of People Act 1983 requires a District Council to appoint an officer of the council to be the Electoral Registration Officer within its district.
- 1.3 The main duties of the Electoral Registration Officer include the creation and maintenance of the registers of Electors. The statutory involvement of the post includes the provision of registers and absent voter list for each Polling Station, as well as to candidates at the election and to the Returning Officer.
- 1.4 Section 35 of the Representation of People Act 1983 requires a District Council to appoint an officer of the Council to be the Returning Officer for the election of councillors of the County, District and Parishes within its district.
- 1.5 The Returning Officer also takes on the role of Deputy Returning Officer at County Elections and the Acting Returning Officer at Parliamentary Elections. The Returning Officer will, in addition, manage European Elections and Parish Elections. The post also takes on the role of Counting Officer in any Referendum.
- 1.6 The Returning Officer will be personally responsible for the conduct of the poll, including the provision of polling stations, the issue and receipt of postal ballot papers, the verification and counting of the votes in their area, 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 and the retention of election documents.
- 1.7 As the roles are closely linked, for consistency, it is usual for the Electoral Registration Officer and the Returning Officer roles to be held by the same person, particularly as for UK Parliamentary Elections, the Electoral Registration Officer appointed for the Council automatically becomes the Acting Returning Officer.
- 1.8 The Electoral Registration Officer and a Returning Officer is usually a senior officer of the Borough Council. The role of the Electoral Registration Officer and a Returning Officer is an individual appointment and the person appointed to the role has personal responsibility that is independent and separate from their main duties as an employee of the Borough Council.
- 1.9 The Executive Director Finance and Assets has significant experience in all aspects of election procedures and processes.
- 2.0 Line management of the elections team will transfer to the Executive Director Finance & Assets from 1<sup>st</sup> October 2019 and this will allow him to work closely with the Council's Elections Team who have many years of experience in running elections and referenda and are fully qualified to undertake their roles and responsibilities. The team also carries out the day to day activities in promoting electoral registration and maintaining the register, as well as managing the annual canvass process, engagement activities and specific campaigns to encourage electors to register.

## 2. Reasons for recommendations

- 2.1 To meet the statutory requirements for the appointment of an Electoral Registration Officer and a Returning Officer. Failure to appoint an Electoral Registration Officer and a Returning Officer could lead to the Council acting unlawfully and being unable to deliver its electoral obligations.

## 3. Alternative options considered

- 3.1 The council is required to appoint a Returning Officer and Electoral Registration Officer. No other options have been identified.

## 4. Consultation and feedback

- 4.1 Full Council must appoint the Returning Officer and Electoral Registration Officer. Consultation has taken place with Paul Jones and he has agreed to take on this role.

## 5. Performance management –monitoring and review

- 5.1 Performance standards are set by the Electoral Commission.

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| <b>Report author</b>          | <b>Contact officer: Julie McCarthy</b><br><b>Julie.mccarthy@publicagroup.gov.uk,</b><br><b>01242 264355</b> |
| <b>Appendices</b>             | N/A   |
| <b>Background information</b> | N/A   |