

Eden District Council
Council

26 November 2020

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

Portfolio:	N/A
Report from:	Assistant Director Governance
Wards:	All Wards
OPEN PUBLIC ITEM	

1 Purpose

- 1.1 This report requests that Council appoint a Returning Officer and Electoral Registration Officer for Eden District Council.

2 Recommendation

It is recommended that Council:

- 1) Appoints Paul Sutton, with immediate effect, as the Returning Officer and Electoral Registration Officer for Eden District Council,
- 2) Appoints Lisa Tremble as Deputy Electoral Registration Officer, and
- 3) Give permission for the Assistant Director Governance (Monitoring Officer) to amend the Constitution to reflect these changes.

3 Report Details

- 3.1 The Returning Officer (RO) is the person who has the overall responsibility for the conduct of elections in Eden District. Section 35 of The Representation of the People Act 1983 requires the Council to appoint an officer of the Council to be the Returning Officer in local elections. It is the RO's duty to organise and conduct elections.
- 3.2 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.
- 3.3 The Electoral Registration Officer (ERO) is the person with the statutory responsibility for the creation and maintenance of the register of electors and the absence voters lists. This person takes responsibility for publishing a revised electoral register and issuing monthly alteration notices. The ERO is also the Acting Returning Officer for UK Parliamentary Elections. The High Sheriff of Cumbria is the Returning Officer at Parliamentary elections as an honorary position.
- 3.4 The ERO is an officer of the Council but the role of Electoral Registration is a personal responsibility, independent and separate from their duties as an

employee of the Council. The roles of Returning Officer and Electoral Registration Officer are typically combined and performed by a single person. These Officers and the Deputy Electoral Registration Officer are appointed by Full Council.

3.5 The previous Returning Officer left the Council on 31 August 2020. It is proposed to make the appointment as set out in the recommendations to have immediate effect in order to comply with legislative requirements.

3.6 It is recommended that Lisa Tremble, Assistant Director Governance be appointed as the Deputy Electoral Registration Officer.

4 Policy Framework

4.1 The Council has four corporate priorities which are:

- Sustainable;
- Healthy, safe and secure;
- Connected; and
- Creative

4.2 This report meets the Sustainable corporate priority.

5 Consultation

5.1 The Leader of the Council and the Chairman of the Council have been consulted on the proposals contained in this report.

6 Implications

6.1 Financial and Resources

6.1.1 Any decision to reduce or increase resources or alternatively increase income must be made within the context of the Council's stated priorities, as set out in its Council Plan 2019-2023 as agreed at Council on 7 November 2019.

6.1.2 The Representation of the People Act 1983 makes provision for a scale of expenses to be fixed for the purpose of determining the RO expenditure.

6.1.3 Elections are categorised as either "local" (ie parish, district, county or unitary) or "Parliamentary" (ie Westminster). Parliamentary elections and Referenda have their own fees and charges set by the Cabinet Office and appropriate expenditure on these elections is reclaimed from central government.

6.1.4 In respect of parish and district elections the RO's fee for election duties is currently under review. Fees for election duties for other elections (County, National, etc) are paid as an additional sum at the rate as prescribed by government as and when they arise. In the event of a County election these costs are recovered from the County Council. There is no change to the existing arrangements in place as a result of this.

6.2 Legal

6.2.1 The Representation of the People Act 1983 (s.35) requires the Council to appoint an officer of the Council to be the RO in local elections.

6.2.2 It is a requirement of section 8 of the Representation of the People Act 1983 that the Council appoints an Electoral Registration Officer. By virtue of s.28(1)

of the Act the ERO may act as Acting Returning Officer in Parliamentary elections.

- 6.2.3 Responsibility for appointment of a Deputy Returning Officer rests with the Returning Officer. However, s.52 (2) of the Act provides that any Deputy Electoral Registration Officer must also be approved by the Council.

6.3 Human Resources

- 6.3.1 There are no Human Resources implications arising out of the proposal.

6.4 Statutory Considerations

Consideration:	Details of any implications and proposed measures to address:
Equality and Diversity	None
Health, Social Environmental and Economic Impact	None
Crime and Disorder	None
Children and Safeguarding	None

6.5 Risk Management

Risk	Consequence	Controls Required
That the Council fails to appoint a Returning Officer or Electoral Registration Officer	Failure to meet statutory duty.	The Council should ensure that appropriate appointments are made.

7 Other Options Considered

- 7.1 No other options have been considered.

8 Reasons for the Decision/Recommendation

- 8.1 Council is requested to approve these recommendation to ensure that the Council meets its legislative requirements.

Background Papers: **None**

Appendices: **None**

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