



WEST OXFORDSHIRE
DISTRICT COUNCIL

WEST OXFORDSHIRE DISTRICT COUNCIL

Name and date of Committee	Council: Wednesday 28 July 2021
Report Number	Agenda Item No. 17
Subject	Appointment of Returning Officer and Electoral Registration Officer
Wards affected	ALL
Accountable member	Councillor Michele Mead, Leader of Council Email: Michele.Mead@westoxon.gov.uk
Accountable officer	Keith Butler, Monitoring Officer Email: keith.butler@westoxon.gov.uk
Summary/Purpose	To determine the appointment to the statutory roles of Electoral Registration Officer and Returning Officer
Annexes	None
Recommendation	That the Chief Executive, Giles Hughes, be appointed and designated as the Council's Electoral Registration Officer and Returning Officer, with immediate effect.
Corporate priorities	Modern Council Services and Sustainable Finance: Delivering excellent modern services whilst ensuring the financial sustainability of the Council.
Key Decision	N/A
Exempt	No
Consultees/ Consultation	N/A

I. BACKGROUND

- 1.1. Under section 8 of the Representation of the People Act 1983, the Council is required to appoint one of its officers to act as Electoral Registration Officer and also to appoint one of its officers as Returning Officer for the District Council.
- 1.2. The roles of Electoral Registration Officer and Returning Officer for the District council, as extended by various Acts of Parliament or Statutory Orders, cover such duties as:
 - Returning Officer for West Oxfordshire District Council elections
 - Returning Officer for parish and town councils in the District for their elections and for the conduct of parish polls;
 - Acting Returning Officer for Parliamentary Elections where designated by the appropriate Government Minister (currently for the Witney Constituency);
 - Deputy Returning Officer for County Council elections in relation to divisions within West Oxfordshire and Local Returning Officer for Thames Valley Police and Crime Commissioner elections; and
 - Local Counting Officer in relation to national and regional referendums
- 1.3. The current Returning Officer and Electoral Registration Officer is the author of this report, and has recently tendered his resignation from employment with the Council. The Council now needs to appoint a successor. These are statutory positions which the Council must fill.

2. MAIN POINTS

- 2.1. The day to day work in support of Electoral Registrations and in running elections is carried out by the Electoral Services Team. With the author's retirement the intention is to recruit a separate experienced Elections Manager to lead the day to day work. The identification of a Chief Executive as the Electoral Registration Officer and the Returning Officer, working with a separate Elections Manager, is the most common approach in local government.
- 2.2. It is both a statutory and constitutional requirement for the Council to appoint an Electoral Registration Officer and a Returning Officer. 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.
- 2.3. 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 lists for each Polling Station, as well as to candidates at the election and to the Returning Officer.
- 2.4. Section 35 of the Representation of People Act 1983 requires a District Council to appoint an officer to be the Returning Officer for the election of Councillors of the County, District and Parishes within its district, and for the other duties listed in paragraph 1.2 above.
- 2.5. 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.

- 2.6. 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.
- 2.7. The Electoral Registration Officer and the Returning Officer are usually a senior officer of the District Council. The role of the Electoral Registration Officer and 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 Council.

3. FINANCIAL IMPLICATIONS

- 3.1. 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. Arising from previous decisions by the Council, payment for the Returning Officer for local elections is in accordance with a scale of fees and charges produced by the County Council. There is no change to the existing budget and charging arrangements in place as a result of this report.

4. LEGAL IMPLICATIONS

- 4.1. 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 District Council. Any failure to do so could lead to the Council being challenged for failing to meet its statutory duties

5. RISK ASSESSMENT

- 5.1. 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

6. EQUALITIES IMPACT

- 6.1. The Council's employment practices are consistent with equalities legislation.

7. ALTERNATIVE OPTIONS

- 7.1. Members could decide not to appoint, but this would necessitate an additional Council meeting to make the appointment for another candidate.

8. BACKGROUND PAPERS

- 8.1. None.