

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Council Meeting
2.	Date:	12th September 2012
3.	Title:	Appointment of Deputy Returning Officer and Deputy Electoral Registration Officer
4.	Directorate:	Chief Executive

5. Summary

The temporary post of Senior Manager, Legal and Electoral Services has most recently held the roles of Deputy Returning Officer and Deputy Electoral Registration Officer.

Consideration now needs to be given to the transfer of these roles following the permanent appointment to the post of Director of Legal and Democratic Services and the retirement of the temporary Senior Manager, Legal and Electoral Services.

6. Recommendations

Members are asked to:

- 6.1 Note that the Chief Executive in his capacity as Returning Officer has appointed the Director of Legal and Democratic Services as a Deputy Returning Officer.**
- 6.2 Appoint the Director of Legal and Democratic Services as Deputy Electoral Registration Officer.**

7. Proposals and Details

Section 35 of the Representation of the People Act 1983 requires every District Council to appoint an officer to the role of Returning Officer for elections of District or Parish Councillors. In Rotherham the appointed Returning Officer is the Chief Executive. The Returning Officer may then appoint one or more persons as Deputy Returning Officer(s). Returning Officers in Rotherham have always designated two officers as Deputy Returning Officers, currently the Chief Elections & Electoral Registration Officer holds one post and the temporary Senior Manager, Legal and Electoral Services held the other. In his capacity as Returning Officer, the Chief Executive has determined that the most appropriate course of action following the appointment of the Director of Legal and Democratic Services and the retirement of the Senior Manager, Legal and Electoral Services is to designate the Director of Legal and Democratic Services as a Deputy Returning Officer.

The Representation of the People Act 1983 also requires that the Council appoint an Electoral Registration Officer who then by virtue of that appointment becomes the Returning Officer for Parliamentary and other national elections and referendums. In this Council, the Chief Executive is appointed to the role.

Section 52 (2) & (3) of the 1983 Act allows for discharge of the Electoral Registration Officer duties by any Deputy approved by the Council who appointed the Electoral Registration Officer. If the Council does not appoint a Deputy Electoral Registration Officer there would be no-one to take on the Returning Officer role in the absence of the Chief Executive should a parliamentary election or by-election be called, or in any other national electoral event such as the recent AV referendum. Perhaps more significantly since this is an ongoing requirement, there would be no-one legally empowered to discharge the statutory functions of the Electoral Registration Officer including electoral registration matters such as the conduct of any hearing in the matter of a review of, or objection to, an entry in the electoral register.

The retiring Senior Manager, Legal and Electoral Services occupied the role of Deputy Electoral Registration Officer and consequently it is recommended that the Director of Legal and Democratic Services is now appointed to this role. It is the Council that is required to make a decision on the appointment of the Deputy Electoral Registration Officer rather than the Electoral Registration Officer himself.

8. Finance

There are no additional financial implications.

9. Risks and Uncertainties

Elections are conducted by the Returning Officer who has a personal responsibility in law. If no valid deputies for the roles referred to in this report were in place, electoral procedures may be jeopardised and the Council would be in breach of the law and voters could be disenfranchised.

10. Policy and Performance Agenda Implications

The way we do business – having the right people, with the right skills in the right place at the right time

11. Background Papers and Consultation

The Representation of the People Act 1983

Contact Name:

Martin Kimber, Chief Executive,

Tel ext: 22771, e-mail ChiefExecutive@rotherham.gov.uk