



Meeting of the City Council

16 July 2014

Report title	Appointment of temporary Returning Officer	
Referring body	n/a	
Cabinet member with lead responsibility	Cllr Paul Sweet Governance and Performance	
Wards affected	All	
Strategic director	Simon Warren, Chief Executive	
Originating service	Electoral Services	
Contact employee(s)	Martyn Sargeant	Head of Democratic Services
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Recommendation(s) for action or decision:

The Council is recommended to appoint Keith Ireland (Strategic Director for Delivery) as temporary Returning Officer and Electoral Registration Officer for Wolverhampton for all elections, referenda and other ballots, until such time as Simon Warren is able to resume his responsibilities or an alternative appointment is made by the Council.

1.0 Purpose

- 1.1 To appoint a temporary Returning Officer and Electoral registration Officer to ensure the Council is able to properly discharge its statutory functions in respect of elections, referenda and any other ballots.

2.0 Background

- 2.1 In 2010, following his appointment as the Head of Paid Service, the Council appointed Simon Warren as Returning Officer and Electoral Registration Officer for the city of Wolverhampton. He has successfully discharged those responsibilities until his absence through sickness meant the May 2014 local and European elections had to be overseen by Deputy Returning Officers.
- 2.2 Whilst a properly appointed Deputy Returning Officer can fully discharge the powers of the Returning Officer, he or she does have to be appointed for each individual election. Consequently, in the continued absence of the Head of Paid Service, and following the calling of a by-election for the West Midlands Police and Crime Commissioner, it is deemed prudent to make a temporary Returning Officer appointment to ensure the continued effective and efficient management of the electoral services function, as well as the forthcoming election.

3.0 Proposal

- 3.1 The Returning Officer is the person who has overall responsibility for the conduct of elections in Wolverhampton. He or she is appointed under the Representation of the People Act 1983. It is the duty of the Returning Officer to organise and conduct elections. It is the Returning Officer's general duty at elections to do all such acts and things as may be necessary for effectively conducting the election, for example:

- the nomination process for candidates and political parties;
- provision, administration, security and notification of polling stations;
- appointment of staff such as presiding officers and count staff;
- preparation and issue of all ballot papers; issue, receipt and counting of postal ballot papers;
- 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;
- retention of election documents.

NB: not all of these responsibilities apply where an election is co-ordinated regionally (e.g. European or Police and Crime Commissioner).

- 3.2 The Electoral Registration Officer (ERO) is the person with statutory responsibility for the creation, maintenance, security and distribution of the register of electors and the absent voters list. The register of electors is based on an annual canvass and monthly rolling registration of all properties where electors reside. The ERO maintains registers of those entitled to vote at various types of elections.
- 3.3 The ERO takes responsibility for publishing a revised electoral register and issuing monthly alterations notices.
- 3.4 At an election the ERO has a statutory obligation to provide registers and absent voters lists for each polling station as well as to candidates at the election and to the Returning Officer. In the event of a Parliamentary election being called, the Electoral Registration Officer would be the Acting Returning Officer. (The actual Returning Officer is typically a ceremonial role, normally taken by the Mayor.)
- 3.5 The Strategic Director for Delivery, who is also the Council's Monitoring Officer, recently co-ordinated the local and European election activities for the Council (May 2014) in the absence of the Returning Officer. The Electoral Services team is part of the Delivery directorate. The Strategic Director was also Deputy Returning Officer for the 2012 Police and Crime Commissioner elections. In light of his relevant experience, it is proposed that the Strategic Director for Delivery (Keith Ireland) should be appointed as temporary Returning Officer and Electoral Registration Officer for the city of Wolverhampton.

4.0 Financial implications

- 4.1 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 and European). Parliamentary elections have their own fees and charges, set by the Cabinet Office and appropriate expenditure on these elections is reclaimed from central government. Likewise fees and charges for European elections are reclaimed.
- 4.2 In Wolverhampton, the Returning Officer is not remunerated over and above his existing salary, which is deemed to cover those particular responsibilities. The Returning Officer can appoint a number of deputies to oversee particular responsibilities.
- 4.3 There are, therefore, no financial implications to making the temporary appointments, as any fees due to the Returning Officer can be reclaimed from central government.

[KB/08072014/M]

5.0 Legal implications

- 5.1 The Representation of the People Act 1983 Section 35 requires the Council to appoint an officer of the Council to be the Returning Officer in local elections.

- 5.2 It is a requirement of Section 8 of the Representation of the People Act 1983 that the Council appoints an Electoral Registration Officer.
- 5.3 Any failure to do so could lead to the council being challenged for failing to meet its statutory duties.

[RB/07072014/L]

6.0 Equalities implications

- 6.1 Before making a decision, section 149 Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following “protected characteristics”: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. There are no specific issues arising from these appointments.

7.0 Environmental implications

- 7.1 There are no environmental implications arising from this report.

8.0 Human resources implications

- 8.1 There are no human resources implications arising from this report.

9.0 Corporate landlord implications

- 9.1 There are no corporate landlord implications arising from this report.

10.0 Schedule of background papers

None.