

# Meeting of the City Council

## 18 July 2018

<b>Report title</b>	Appointment of Electoral Registration Officer and Local Returning Officer	
<b>Referring body</b>	Not Applicable	
<b>Councillor to present report</b>	Councillor Val Gibson	
<b>Wards affected</b>	All Wards	
<b>Cabinet Member with lead responsibility</b>	Councillor Val Gibson, Governance	
<b>Accountable director</b>	Jen Brake, Service Director Public Service Reform	
<b>Originating service</b>	Public Service Reform	
<b>Accountable employee</b>	Martyn Sargeant Tel Email	Head of Public Service Reform Tel: 01902 555043 martyn.sargeant@wolverhampton.gov.uk
<b>Report to be/has been considered by</b>	Not Applicable	

---

### Recommendations for decision:

The Council is recommended to:

1. Appoint the new Managing Director, Tim Johnson, as the statutory Electoral Registration Officer and Returning Officer (for local elections) with effect from the date on which he assumes office.
2. Appoint the Managing Director with effect from the same date as the Returning or Counting Officer for all other elections and referenda that arise, including, but not limited to, Police and Crime Commissioner, Mayoral and European polls, but excepting parliamentary elections.
3. Agree that no fees should be paid for the oversight of local elections or the local registration function, such duties to be considered part of the role of Managing Director and therefore covered by the associated salary.
4. Agree that the Council should maintain insurance to indemnify the Returning Officer against any claims arising from the management of local, regional or national elections or referenda, and underwrite any policy excess required by an insurer.

**Recommendations for noting:**

The Council is recommended to:

5. Note that the Electoral Registration Officer will be the Acting Returning Officer for any parliamentary elections called.
6. Note that such fees dispersed by government or other bodies (e.g. the West Midlands Combined Authority) for Returning or Counting Officer roles are payable to the individual concerned.

## **1.0 Purpose**

- 1.1 To make the required statutory appointments to the posts of Electoral Registration Officer (ERO) and Returning Officer (RO) for the City of Wolverhampton.

## **2.0 Background**

- 2.1 Following his appointment as Managing Director in 2014, Keith Ireland acted as the statutory Electoral Registration Officer and Returning Officer for the City of Wolverhampton. Following his resignation, his employment ended on 30 June 2018 and there is a requirement to fill the two statutory roles he has vacated.

## **3.0 Proposal**

- 3.1 The Returning Officer is the person who has overall responsibility for the conduct of Council 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 publication of polling stations;
- appointment of staff such as presiding officers and count staff;
- preparation and issue of 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 and then destruction of election documents.

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

- 3.2 The Electoral Registration Officer 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 alteration notices.
- 3.4 At an election the ERO has a statutory obligation to provide registers and absent voter 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.)

#### **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), "regional" or "parliamentary" (i.e. Westminster and European). Mayoral or parliamentary elections have their own fees and charges, set by the Cabinet Office or other relevant body and appropriate expenditure on these elections can be reclaimed.
- 4.2 In Wolverhampton, the Returning Officer is not remunerated over and above the existing salary for the role of Managing Director, 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 appointments, as any fees due to the Returning Officer can be reclaimed.

[MH/06062018/L]

#### **5.0 Legal implications**

- 5.1 The Representation of the People Act 1983 section 35 requires the Council to appoint one of its employees to be the Returning Officer in local elections. It is a requirement of Section 8 of the Representation of the People Act 1983 that the Council appoints an Electoral Registration Officer. Any failure to do so could lead to the council being challenged for failing to meet its statutory duties.

[RB/10072018/Y]

#### **6.0 Environmental implications**

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

#### **6.0 Human resources implications**

- 7.1 The Managing Director/Head of Paid Service is employed by the Council under its senior management terms and conditions.

#### **8.0 Corporate Landlord implications**

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

#### **9.0 Schedule of background papers**

n/a