

Item No. 6.5	Classification: Open	Date: 22 March 2023	Meeting Name: Council Assembly
Report title:		Appointment of Returning Officer and Electoral Registration Officer	
Ward(s) or groups affected:		All	
From:		Doreen Forrester-Brown, Assistant Chief Executive – Governance and Assurance	

RECOMMENDATIONS

1. That council assembly approves the appointment of Althea Loderick as Southwark Council's Returning Officer for local elections and Electoral Registration Officer.
2. That council assembly approves the continued appointment of Frances Biggs as Deputy Electoral Registration Officer.
3. That council assembly approves that authority to appoint Deputy Electoral Registration Officers be delegated to the Electoral Registration Officer (Althea Loderick).
4. That council assembly approves that the proper officer for the purpose of deciding polling districts and polling places will be the Assistant Chief Executive – Governance and Assurance.

BACKGROUND INFORMATION

5. The Strategic Director of Finance and Governance, Duncan Whitfield, is currently the council's Returning Officer for local elections, and its Electoral Registration Officer. Both appointments were made by Council Assembly in 2015. As a result of his imminent retirement it is necessary to appoint a new Returning Officer and Electoral Registration Officer.
6. Every council in England is required by Section 35 of the Representation of the People Act 1983 ("the Act") to appoint an officer of the council to be the Returning Officer (RO) for local elections. This officer is designated as the proper officer for the council for all RO functions under the Act.
7. Section 8(2)(a) of the Act also requires the council to appoint an officer to be the Electoral Registration Officer (ERO). The ERO is responsible for the preparation and maintenance of the registers of parliamentary electors for any parliamentary constituency or part of a constituency within its area, and of local government electors for its area.
8. According to Section 28(1) of the Act, only the ERO may act as the (Acting) Returning Officer at Parliamentary elections, the Returning Officer for these elections being the Mayor. It makes sense, therefore, to ensure that one

officer is appointed as both the RO and ERO.

9. The registration officer is an officer of the council, but is not under the direction and control of the appointing council when acting as the ERO. The ERO for the borough will have personal responsibility for the compiling, maintenance and distribution of the register of electors, in accordance with relevant legislation.

KEY ISSUES FOR CONSIDERATION

10. The recent senior management changes agreed by the council's Chief Executive, Althea Loderick, included consideration of the ERO and RO roles, which proposed that she should take over these responsibilities.

Deputy ERO

11. The ERO's duties and powers may be performed and exercised by any deputy by virtue of section 52(2) and must also be approved by the council. The purpose of the deputy ERO is that in the event of the ERO's incapacity to act or of a vacancy, the deputy is empowered to carry out the ERO's duties.
12. Frances Biggs, head of electoral services, has agreed to continue to act as Deputy Registration Officer.
13. Council assembly should note that the RO can appoint deputies to carry out these duties as necessary.

Policy implications

14. This report is not considered to have direct policy implications.

Community, equalities (including socio-economic) and health impacts

Community impact statement

15. This report is not considered to contain any proposals that would have a significant impact on any particular community or group.

Equalities (including socio-economic) impact statement

16. This report is not considered to contain any proposals that would have a significant equalities impact.

Health impact statement

17. This report is not considered to contain any proposals that would have a significant health impact.

Climate change implications

18. This report is not considered to contain any proposals that would have a

significant impact on climate change.

Resource implications

19. Although a personal responsibility, section 52 of the Act requires the council to provide the ERO with the resources required in order to fulfill their obligations. The council has a duty to assign such officers to assist the registration officer as may be required to carry out their functions under the Act.

Supplemental Advice from Officers

Assistant Chief Executive – Governance and Assurance

20. The appointment of the RO and ERO is a statutory requirement and is a matter for Council Assembly. It is not an Executive function. All other points are dealt with in the report.

Financial implications

21. The remuneration for the role of RO will be met from existing budgets. Costs for regional elections and national electoral event are met from central funds.

APPENDICES

No.	Title
None	

AUDIT TRAIL

Lead Officer	Doreen Forrester-Brown, Assistant Chief Executive – Governance and Assurance	
Report Author	Allan Wells, Specialist Governance Lawyer	
Version	Final	
Dated	28 February 2023	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Assistant Chief Executive – Governance and Assurance	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team	28 February 2023	