

<b>Item No.</b> 8.4	<b>Classification:</b> Open	<b>Date:</b> 25 November 2015	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Appointment of Returning Officer and Electoral Registration Officer	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Director of Law and Democracy	

## RECOMMENDATIONS

1. That council assembly approves the appointment of Duncan Whitfield as Southwark Council's Returning Officer and Electoral Registration Officer.
2. That council assembly approves the appointment of Frances Biggs as Deputy Electoral Registration Officer.

## BACKGROUND INFORMATION

3. Following the recent senior management re-structure, which was agreed by cabinet on 28 July 2015, Deborah Collins, Strategic Director, Environment and Leisure, will stand down as the council's Returning Officer and Electoral Registration Officer. As a result, the council is required to appoint a new Returning Officer and Electoral Registration Officer.
4. 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. 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.
5. 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.
6. Whilst the registration officer is himself an officer of the council, he is not under the direction and control of the council by whom he is appointed when acting as the ERO. As ERO for the borough he will have personal responsibility for the compiling, maintenance and distribution of the register of electors, in accordance with relevant legislation.

## KEY ISSUES FOR CONSIDERATION

7. Duncan Whitfield, the strategic director of finance and governance, has agreed to act as Returning Officer and Electoral Registration Officer.

## **Deputy ERO**

8. 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 which appointed the ERO. 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.
9. Frances Biggs, head of electoral services, has agreed to act as Deputy Registration Officer.
10. Council assembly should note that the RO can appoint deputies to carry out these duties as necessary.

## **Resource implications**

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

## **SUPPLEMENTARY ADVICE FROM OFFICERS**

### **Director of Law and Democracy**

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

### **Strategic Director of Finance and Governance**

13. 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**

<b>No.</b>	<b>Title</b>
None	

## AUDIT TRAIL

<b>Lead Officer</b>	Doreen Forrester-Brown, Director of Law and Democracy	
<b>Report Author</b>	Norman Coombe, Head of Corporate Team	
<b>Version</b>	Final	
<b>Dated</b>	13 November 2015	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>	13 November 2015	