

NAME OF COMMITTEE	COUNCIL
DATE	18 FEBRUARY 2014
REPORT TITLE	APPOINTMENT OF ELECTORAL REGISTRATION OFFICER AND RETURNING OFFICER
REPORT OF	EXECUTIVE DIRECTOR (COMMUNITIES) AND HEAD OF PAID SERVICE
WARDS AFFECTED	ALL

Summary of report:

To seek the approval of the Council for the appointment of Jan Montague as the Electoral Registration Officer and Returning Officer, in accordance with the Representation of the People Act 1983.

Financial implications:

There are no financial pressures arising from this report.

RECOMMENDATION

It is recommended that Council agrees that, with immediate effect:

- 1. Jan Montague be appointed as the Electoral Registration Officer and Returning Officer for West Devon Borough Council; and**
- 2. Tracy Winser be appointed as the Deputy Electoral Registration Officer for West Devon Borough Council.**

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Lead Member contact:

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1. BACKGROUND

- 1.1 Members will be aware that the position of Electoral Registration Officer and Returning Officer is currently within the remit of the Chief Executive. These roles are undertaken on a shared basis across both Councils.
- 1.2 It is both a statutory and constitutional requirement for these positions, and the position of Deputy Electoral Registration Officer, to be appointed by full Council.
- 1.3 The main duties of the Electoral Registration Officer include the creation and maintenance of the registers of Electors. The statutory involvement of the post includes the provision of registers and absent voter lists for each polling station, as well as to candidates at the election and to the Returning Officer.
- 1.4 It is the duty of the Returning Officer to organise and conduct elections. As the roles are closely linked, for consistency, it is usual for the Electoral Registration Officer and the Returning Officer roles to be held by the same person, particularly as for UK Parliamentary Elections, the Electoral Registration Officer appointed for the Council automatically becomes the Acting Returning Officer.

2. ISSUES FOR CONSIDERATION

- 2.1 As part of the recently introduced interim Executive Director model, Heads of Service have been keen to use this period as an opportunity to broaden their experience and raise their external profile. To achieve this objective, it is suggested that the two roles are allocated to a current Head of Service, as there is no requirement for the roles to be held by the Head of Paid Service. SMT have unanimously suggested that as the Head of Corporate Services currently has line management responsibility for election services at both Councils, that Jan Montague is best placed to take the roles.
- 2.2 There are, however, other options available to Members:
 - a) Appoint one of the Executive Directors to undertake the role for both authorities;
 - b) Appoint one of the Executive Directors to the role in West Devon, with the other Executive Director similarly appointed in South Hams.
 - c) Appoint the Head of Corporate Services to the role in one Council with one of the Executive Directors appointed to the role in the other Council.
- 2.3 The key demands on the Electoral Registration Officer and the Returning Officer, during the interim period pending Senior Management restructuring as part of T18, will be to manage the introduction of national changes in the electoral registration system and organise and conduct the European elections scheduled for 22 May 2014.

- 2.4 Clearly a shared service Returning Officer would not be physically present at both Counts. A decision would be taken at each election as to where the Returning Officer should be in attendance dependent upon the perceived level of risk that has to be managed. The Returning Officer would, of course, be supported by members of SMT to ensure appropriate cover at Counts. This mirrors the current arrangements, as the Chief Executive acts in these roles on a shared basis.
- 2.5 Having considered the issues set out above, it is recommended that the roles are carried out by the Head of Corporate Services, Jan Montague.

3. LEGAL IMPLICATIONS

- 3.1 A Returning Officer is required for a number of different types of elections; principally those held under the Representation of the People Act 1983. The intention is that this appointment would cover all elections and referendums managed by the Council during the interim period pending restructuring of the management team.
- 3.2 The Monitoring Officer advises that as the office of Returning Officer is required to be filled for each Council, it is a necessity to regard the appointed person as separately holding the office for each Council, rather than the office being “shared”, although practically there will be little difference.
- 3.3 There is a separate statutory role of Electoral Registration Officer. The responsibilities of the role are set out in the Electoral Administration Act 2006. Unlike the Returning Officer, who can appoint deputies at election time, it is a requirement that the Council appoints a Deputy Electoral Registration Officer. It is believed that this role should be undertaken by the Executive Director, Tracy Winser.

4. FINANCIAL IMPLICATIONS

- 4.1 The Returning Officer fees for external elections and referendums are set by regulations and are funded externally.

5. RISK MANAGEMENT

- 5.1 The Risk Management implications are shown at the end of this report in the Strategic Risks Template.

6. OTHER CONSIDERATIONS

Corporate priorities engaged:	None, directly relevant to this report
Statutory Powers:	Local Government Act 2000 Representation of the People Act 1983
Considerations of equality and human rights:	None directly related to this report
Biodiversity considerations:	None directly related to this report
Sustainability considerations:	None directly related to this report

Crime and disorder implications:	None directly related to this report
Background papers:	Council Constitution Previous report appointing Electoral Registration Officer and Returning Officer
Appendices attached:	None

The risk management implications are:

STRATEGIC RISKS

No	Risk Title	Risk/Opportunity Description	Inherent risk status				Mitigating & Management actions	Ownership
			Impact of negative outcome	Chance of negative outcome	Risk score and direction of travel			
1	Workload for a single Electoral Registration Officer and Returning Officer	While the suggested post holder has some electoral experience, it could prove a high workload for one officer to perform the role in two councils at the same time as being a key contributor to elements of T18 relating to the HR work stream	4	2	8	↔	Highly experienced Election Officers in each Council reduce the day to day pressure and level of risk.	H of Corporate Services
2	Unable to be in 'on the ground' in both Councils, particularly leading up to election days and the count.	Significant risks can arise during the Count – the Returning Officer may be in the wrong place at the wrong time.	5	2	10	↔	A diligent risk assessment process in advance of each election will identify the risks and facilitate the best decision. The highly experienced Election Officers in each Council can liaise with the RO/ERO to identify and implement the best response to difficult situations as they arise.	H of Corporate Services

Risk Score 20-25: very high; 12-19: high; 8-12; medium; <8: low
 Direction of travel symbols = ↓ ↑ ↔