

**Meeting: COUNCIL**

Agenda Item:

**Date: 27 February 2008**

**13**

**OFFICER REPORT - APPOINTMENT OF ELECTORAL REGISTRATION OFFICER AND RETURNING OFFICER**

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**1      PURPOSE**

1.1 To formally appoint the Electoral Registration Officer and Returning Officer for Stevenage.

1.2 Confirmation of these arrangements are required before the SBC and HCC by-elections on 27th March 2008 and the Local Elections on 1st May 2008.

**2      RECOMMENDATIONS**

2.1 That, in terms of the Representation of the People Act 1983 and all related legislation,, Mr Peter Ollis, the Council's Chief Executive, be confirmed as Electoral Registration Officer for the Council.

2.2 That, in terms of the Representation of the People Act 1983 and all related legislation, Mr Peter Ollis be confirmed as Returning Officer for the Council, with authority to act in that capacity for elections to the Council.

2.3 That the Council's Electoral Registration Officer be also appointed or authorised to act in respect of all related electoral, poll or referendum duties, including in relation to County Council elections, elections to the European Parliament, and for national and regional polls or referendums.

2.4 That the Electoral Registration Officer and the Returning Officer be authorised to appoint a deputy or deputies in relation to these roles, either on a standing appointment basis or for specific periods or specific elections, and either for all purposes or for specific purposes.

2.5 That, in relation to the duties of Returning Officer or any other electoral, referendum or polling duties arising from such appointment, or arising from

appointment as Electoral Registration Officer, the Returning Officer shall be entitled to be remunerated in accordance with the scale of fees approved from time to time by Council, or the relevant scale of fees prescribed by a Fees Order in respect of national, regional or European Parliament elections, polls or referendums.

2.6 That in all cases where it is a legal requirement or normal practice to do so, fees paid to the Returning Officer shall be superannuable, and the Council shall pay the appropriate employer's contribution to the superannuation fund, recovering such employer's contributions from central government or other local authorities or agencies where this can be done.

2.7 That, for the avoidance of doubt, it be agreed that the existing indemnities provided to officers (and Members), previously agreed by the Council and pursuant to the Local Authorities (Indemnities for Members and Officers) Order 2004, shall cover the Mr. Ollis when acting as Returning Officer/Deputy Returning Officer/Acting Returning Officer, including any liability for excess that may be incurred by the Council as part of its insurance cover.

### **3 BACKGROUND**

The Representation of the People Act 1983 requires the Council to appoint an officer of the Council to be electoral registration officer for any constituency or part of a constituency coterminous with or situated in the borough (Section 8); and an officer of the Council to be the returning officer for the elections of councillors (Section 35)

### **4 REASONS FOR RECOMMENDED COURSE OF ACTIONS AND OTHER OPTIONS**

4.1 The responsibilities of the Electoral Registration Officer include the following:

- To maintain a register of UK parliamentary and local government electors for the area for which he/she is responsible
- To maintain a register of citizens of the European Union entitled to vote at European Elections
- To take steps to obtain information to compile and maintain this information
- To conduct the annual canvass
- To take steps to encourage participation in the electoral process
- To meet the standards or performance set by the Electoral Commission
- To discharge the responsibilities of the Acting Returning Officer at UK Parliamentary Elections

4.2 The Returning Officer, with responsibility for running local elections, must be impartial and her/his role is to ensure that the conduct of an election is in accordance with the law and laid down procedure.

4.3 The Returning Officer's responsibility is one of a personal nature distinct from her/his duties as an employee of the Council. The parameters of the responsibility are defined by legislation and a breach of duty is a summary offence subject to a £5000 fine.

4.4 Legislation provides for the Returning Officer to employ staff to assist her/him in carrying out her/his duties e.g. Deputies, polling and counting staff and clerks for other duties.

4.5 The County Council appoints a returning officer for their own elections with deputy returning officers being appointed from the relevant district/borough councils.

4.6 Regional Returning Officers are appointed for European Parliamentary Elections, although the poll itself in each parliamentary constituency is conducted by the local returning officer, in effect the acting returning officer for the constituency, and he/she is empowered to appoint deputies.

4.7 The Council's insurance policy includes cover for the Electoral Registration Officer/Returning Officer, however any claim made may be currently subject to an excess.

## **BACKGROUND DOCUMENTS**

- Representation of the People Act 1983
- Reference documentation from the Association of Electoral Administrators.
- The Council's Insurance Policy

## **APPENDICES**

None