

## **APPOINTMENT OF A DEPUTY ELECTORAL REGISTRATION OFFICER AND A RETURNING OFFICER FOR PARISH POLLS**

### **Governance Committee – 20 October 2015**

Report of Chief Officer Legal and Governance

Status: For Decision

Also considered by: Council - 3 November 2015

Key Decision: No

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**Portfolio Holder** Cllr. Firth

**Contact Officer(s)** Nicola Fletcher, Ext. 7188

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**Recommendation to Governance Committee:** That it be recommended to Council

- (a) that the Chief Officer for Corporate Support be appointed Deputy Electoral Registration Officer for the Sevenoaks District Council, and
- (b) that the Chief Executive be appointed as Returning Officer for any polls held under the Parish and Community Meetings (Polls) Rules 1987.

#### **Recommendation to Council:**

- (a) that the Chief Officer for Corporate Support be appointed Deputy Electoral Registration Officer for the Sevenoaks District Council, and
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**Reason for recommendation:** Legislation allows District Councils to appoint an officer of the Council as a deputy to the Electoral Registration Officer to act in the absence of the Electoral Registration Officer and to appoint a Returning Officer to administer any polls held under the Parish and Community Meetings (Polls) Rules 1987.

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#### **Introduction and Background**

- 1 Under section 8(2) of the Representation of the People Act 1983 the District Council must appoint an Officer to the position of 'Electoral Registration Officer'. This position is responsible for maintaining the Electoral Register for the area. In 2013, the Chief Executive was appointed as the Electoral Registration Officer.

- 2 Under section 52(2) of the Representation of the People Act 1983 the Council may appoint a Deputy Electoral Registration Officer who is able to perform and exercise any of the duties and powers of the Electoral Registration Officer.
- 3 One of the roles of the Electoral Registration Officer is to hold a hearing in respect of any reviews of registration or any objections received for an application to be included on the Register of Electors. Reviews and objections can be made at anytime during the life of the Register. The objections may be in relation to an existing elector as well as new applications. For objections, the legislation provides that these hearings must be held no earlier than the third day and no later than the seventh day after the notice of objection was received. If a hearing is not held within this timescale then the Council will be in breach of the legislation.
- 4 Since the Council does not currently have a Deputy Electoral Registration Officer then there is a risk the Council could be in breach of the legislation if the Electoral Registration Officer (Chief Executive) is absent for a period when a hearing needs to take place. Therefore it is recommended that a permanent appointment is made to this post in order to remove that risk.
- 5 Rule 4(1) of the Parish and Community Meetings (Polls) Rules 1987 states that the Council shall appoint an officer of the Council to be Returning Officer to conduct any polls.
- 6 At present the Council does not have an officer appointed to this role, however, the Chief Executive has been appointed as Returning Officer for District and Parish elections. Traditionally, the Chief Executive has been appointed to all Returning Officer roles.

## **Key Implications**

### Financial

There are no financial implications to this appointment.

### Legal Implications and Risk Assessment Statement

The appointment of the Deputy Electoral Registration Officer will mitigate risks in the event that the Electoral Registration Officer is unavailable as his deputy will be able to undertake his duties.

### Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

## **Conclusions**

It is recommended that Council appoints a Deputy Electoral Registration Officer to reduce the risks of not being able to administer electoral register hearings within the statutory timescale as the Deputy Electoral Registration Officer will have the same powers. It is recommended that Council appoints a Returning Officer for polls held under the Parish

and Community Meetings (Polls) Rules 1987 to enable any such poll to be administered if required.

**Background Papers:**

[Representation of the People Act 1983, Sections 8 and 52](#)

[The Parish and Community Meetings \(Polls\) Rules 1987](#)

**Christine Nuttall**  
**Chief Officer for Legal and Governance**