

Report to: **COUNCIL**

Date: **24 September 2020**

Title: **Appointment of Electoral Registration Officer and Returning Officer**

Portfolio Area: **Leader of Council**

Wards Affected: **All**

Relevant Scrutiny Committee: **Overview and Scrutiny Committee**

Urgent Decision: Approval and clearance obtained: **Y**

Date next steps can be taken: **24 September 2020**

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RECOMMENDATION

That the Council agrees:

- 1. that, with effect from 24 September 2020, the Chief Executive and Head of Paid Service (Andy Bates) be appointed as the Electoral Registration Officer and Returning Officer for South Hams District Council, and**
- 2. the Director of Governance and Assurance (Andrew Powell) is appointed as the Deputy Returning Officer.**

1. Executive summary

- 1.1 Members will be aware that the Council previously appointed the Director of Governance & Assurance (Andrew Powell) as the Council's Electoral Registration Officer and Returning Officer as a temporary measure following the resignation of Sophie Hosking and pending the appointment of a new Chief Executive (Minute 70/19).
- 1.2 Following the appointment of a new Chief Executive and Head of Paid Service, this report seeks the approval of the Council to appoint the new Chief Executive (Andy Bates) as the Electoral Registration Officer and Returning Officer for the Council with effect from 24 September 2020 .

- 1.3 The report also seeks approval to appoint the Director of Governance and Assurance (Andrew Powell) as the Deputy Returning Officer.

2. Background

- 2.1 It is both a statutory and constitutional requirement for the Council to appoint an officer of the Council as its Electoral Registration Officer and Returning Officer.
- 2.2 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 list for each Polling Station, as well as to candidates at the election and to the Returning Officer.
- 2.3 The main duty of the Returning Officer is 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.

3. Outcomes/outputs

- 3.1 It is recommended that the Chief Executive and Head of Paid Service (Andy Bates) is appointed to the role of Electoral Registration Officer and Returning Officer, and that the Director of Governance and Assurance (Andrew Powell) is appointed to the role of Deputy Returning Officer for the Council from 24 September 2020

4. Options available and consideration of risk

- 4.1 There is a statutory and Constitutional duty to appoint an officer to this post. The principal risks associated with this appointment fall on the officer appointed.
- 4.2 The risks to the Council are that, without making adequate provision to remunerate, train and indemnify these officers, it may fail to identify any persons prepared to undertake these statutory tasks. Also, having made such an appointment, the Council may run the reputational risk associated with a successful legal challenge that exposes the officer to significant financial loss as a result of the failure of the Council to do what is lawful and appropriate.

5. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address

Legal/Governance	Y	The Council has a duty under the Representation of the People Act 1983 to appoint one of its officers as an Electoral Registration Officer and Returning Officer.
Financial	N	The Returning Officer fees for external elections and referendums are set by regulations and are funded externally.
Risk	Y	The risks associated with this report are outlined at Section 4 above.
Comprehensive Impact Assessment Implications		
Equality and Diversity		None directly related to this report.
Safeguarding		None directly related to this report.
Community Safety, Crime and Disorder		None directly related to this report.
Health, Safety and Wellbeing		None directly related to this report.
Other implications		N/A

Supporting Information

Appendices:

None

Background Papers:

Minute 70/19, Council Meeting 13 February 2020