



Report to: Council, 19th February 2019

Report of: Managing Director

Subject: STATUTORY APPOINTMENTS: RETURNING OFFICER, ELECTORAL REGISTRATION OFFICER AND DEPUTY ELECTORAL REGISTRATION OFFICER

1. Recommendation

- 1.1 That Council approve the appointment of Shane Flynn, Corporate Director – Finance and Resources as Returning Officer and Electoral Registration Officer and the appointment of Claire Chaplin, Democratic and Civic Services Manager, as Deputy Electoral Registration Officer, with the full powers of the Electoral Registration Officer, with immediate effect, and Council agrees:**
- 1.2 that in the terms of the Representation of the People Act 1983 and all related legislation with immediate effect Shane Flynn be appointed as Electoral Registration Officer and Claire Chaplin be appointed as Deputy Registration Officer for the Council; and in terms of Section 41 of the Local Government Act 1972 and all related legislation with immediate effect Shane Flynn be appointed as Returning Officer for the Council with authority to act in that capacity for elections to the Council and all or any Parish and Town Councils within the Council area;**
- 1.3 that the Returning Officer and Electoral Registration Officer for the Council be also appointed or authorised to act in respect of all related elector, poll or referendum duties, including in relation to County Council elections, and for national and regional polls or referendums;**
- 1.4 that in relation to the duties of Returning Officer or any other electoral, referendum, or polling duties arising from such an appointment, the Returning Officer shall be entitled to be remunerated in accordance with the approved scale of fees for local elections or the relevant scale of fees prescribed by a fees order in respect of national and regional polls or referendums;**
- 1.5 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;**
- 1.6 that, in relation to the conduct of local authority elections and polls, and elections to the United Kingdom Parliament, and all other electoral duties where the Council is entitled by law to do so, the Council shall take out and maintain in force insurance indemnifying the Council and the Returning**

Officer including any appointed Deputy Returning Officers against legal expenses reasonably incurred in connection with the defence of any proceedings brought against the Council or the Returning Officer including any appointed Deputy Returning Officers and/or the cost of holding another election in the event of the original election being declared invalid (provided that such proceedings or invalidation are the result of the accidental contravention of the Representation of the People Acts or other legislation governing the electoral process, or accidental breach of any ministerial or other duty by the Returning Officer or any other person employed by or officially acting for him in connection with the election or poll);

1.7 that, in the event of such insurance carrying an 'excess' clause by which an initial portion of risk is not insured, the Council, through its internal insurance fund or otherwise, will indemnify the Returning Officer and any appointed Deputy Returning Officers up to the value of such excess.

2. Background

- 2.1 In addition to the relevant legislation, the Constitution requires the Council to appoint an officer to the statutory posts of Returning Officer and Electoral Registration Officer. These posts are currently held on an interim basis by Shane Flynn, Corporate Director – Finance and Resources.
- 2.3 It is recommended that Shane Flynn, Corporate Director – Finance and Resources, be appointed to the positions of Returning Officer and Electoral Registration Officer with immediate effect.
- 2.4 The positions of Returning Officer and Electoral Registration Officer are a personal responsibility of the officer concerned. In other words, the appointments are separate from appointment as an officer of the Council. In carrying out each role, the officer concerned is accountable to his or her statutory responsibility, not to the Council that is his or her main employer. For that reason, the provisions in the resolution need to be more explicit than would be the case with ordinary appointments.
- 2.5 The Returning Officer's fees are superannuable and the recommendations in this report deal with both fee entitlement and superannuation. The recommendations also cover the personal liability and insurance position.
- 2.6 The Representation of the People Acts 1983 states that the Council must approve the appointment of Deputy Electoral Registration Officer, who can carry out the full duties and powers of the Electoral Registration Officer. The legislation states that the Returning Officer has the authority to appoint his or her Deputy Returning Officer which since 2015 is Claire Chaplin, Democratic and Civic Services Manager.
- 2.7 It is recommended that Claire Chaplin, Democratic and Civic Services Manager be appointed to the position of Deputy Electoral Registration Officer with full powers, with immediate effect. Ms Chaplin is responsible for the delivery of elections and referendums and for the operational management and delivery of Individual Electoral Registration Services and has the necessary skills and experience to fulfil the role.

3. Implications

3.1 Financial and Budgetary Implications

There is currently no separate remuneration for the roles of Electoral Registration Officer or Deputy Electoral Registration Officer. The election fees for the Returning Officer and Deputy Returning Officer are met from existing council budgets, external funders such as the County Council and Central Government funding allocations.

3.2 Legal and Governance Implications

It is a legal requirement for the Council to appoint an officer to the statutory posts of Returning Officer, Electoral Registration Officer and Deputy Registration Officer and the appointments require approval of Full Council.

3.3 Risk Implications

The principal risks associated with these appointments fall on the officer who holds them. The risks to the Council are that without making adequate provision to remunerate, train and indemnify that officer it may fail to identify a person prepared to undertake the statutory tasks or, having made such an appointment, run the reputational risk associated with a successful legal challenge that exposes the officer to significant financial loss as a result of a failure of the Council to do what is lawful and appropriate. The appointment of the Deputy Electoral Registration Officer will mitigate risks in the event that the Electoral Registration Officer is unavailable and means there will be a Deputy who is able to act on their behalf.

3.4 Corporate/Policy Implications

None directly arising from this report.

3.5 Equality Implications

None directly arising from this report.

3.6 Human Resources Implications

The appointment being proposed is in accordance with existing HR policies and procedures. The position of Returning Officer is superannuable.

3.7 Health and Safety Implications

None directly arising from this report.

3.8 Social, Environmental and Economic Implications

None directly arising from this report.

Ward(s):

All

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Background Papers:

none