

**To the Chair and Members of the
ELECTIONS AND DEMOCRATIC STRUCTURES COMMITTEE**

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

EXECUTIVE SUMMARY

1. As a consequence of the departure of Paul Hart the former Electoral Registration Officer and Returning Officer the Elections and Democratic Structures Committee is requested to consider this report and make a recommendation to the Council on an appointment to these statutory positions.

RECOMMENDATION

2. It is recommended that the Council's Acting Chief Executive and Head of Paid Service, Tim Leader, be appointed as Electoral Registration Officer and Returning Officer.

BACKGROUND

3. Each district council in England is required, by Section 8(2)(a) of the Representation of the People Act 1983 to appoint an officer to be the Electoral Registration Officer for any constituency or part of a constituency within its area. This individual is responsible for the preparation and maintenance of the electoral register. Similarly, Section 35(1) of the Act requires that the Council appoint an officer to be the Returning Officer for elections of district and parish councillors.
4. At a Parliamentary Election the role of Returning Officer is largely ceremonial and is undertaken either by the High Sheriff in respect of County Constituencies (Doncaster North and Don Valley) and for Borough Constituencies (Doncaster Central) the Chair of the District Council. In recognition of the ceremonial nature of the duties of the Returning Officer the Representation of the People Act 1983 provides for the appointment of Acting Returning Officers who are responsible for the conduct of the elections. Section 28(1) of the Act designates the Electoral Registration Officer of the district as the Acting Returning Officer for Borough Constituencies. For County Constituencies this section prescribes that the Electoral Registration Officer of the Authority specified in an order by the Secretary of State will be the Acting Returning Officer. This applies to both the Doncaster North and Don Valley Parliamentary Constituencies and Schedule 4 of the Returning Officer's (Parliamentary Constituencies) England Order 2007 specifies that the Acting Returning Officer for these constituencies will be the Electoral Registration Officer for Doncaster.

5. In respect of European Parliamentary Elections the lead role in Doncaster would be Local Returning Officer and Regulation 6(2) of the European Parliamentary Elections Regulations 2004 (as amended) makes the Acting Returning Officer for the relevant parliamentary constituency the Local Returning Officer.
6. The post of Chief Executive and Head of Paid Service post carries the responsibility to act as Returning Officer and Electoral Registration Officer. This duty is already reflected in the agreed job description for the post. The appointment of the Electoral Registration Officer and Returning Officer is reserved to the Council within the Scheme of Delegation but the Constitution makes provision for the Elections and Democratic Structures Committee to make a formal recommendation to the Council of appointment to the post.

OPTIONS CONSIDERED AND REASON FOR RECOMMENDED OPTION

7. The appointment of an Electoral Registration Officer and Returning Officer is a statutory requirement and must be undertaken.

RISKS AND ASSUMPTIONS

8. The key risks associated with this report would be in relation to the failure to make an appointment to the roles of Electoral Registration Officer and Returning Officer as required by statute prior to the forthcoming election in May 2010.

CONSULTATION

9. The Elections and Democratic Structures Committee is being asked to consider the appointments of Electoral Registration Officer and Returning Officer and make a recommendation to Council to that effect.

LEGAL IMPLICATIONS

10. The appointment of Electoral Registration Officer and Returning Officer are statutory requirements under Sections 8(2)(a) and 35(1) of the Representation of the People Act 1983. The current appointments are necessitated as a consequence of the resignation of Paul Hart, the former posts holder and the Council must make these appointments to ensure continuity of service and compliance with statutory requirements.

FINANCIAL IMPLICATIONS

11. There is no additional cost as the salary paid to Tim Leader already includes the duties for the Electoral Registration Officer and Returning Officer.

CONCLUSION

12. The report outlines the circumstances in which it is necessary for the Council to appoint an Electoral Registration Officer and Returning Officer and proposes that a recommendation be made to Council that the Acting Chief Executive and Head of Paid Service, Tim Leader be appointed in these capacities with immediate effect.

REPORT AUTHOR

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BACKGROUND PAPERS

None.

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