

STROUD DISTRICT COUNCIL
COUNCIL

AGENDA
ITEM NO

24 JANUARY 2019

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Report Title	APPOINTMENT OF ELECTORAL REGISTRATION OFFICER AND RETURNING OFFICER
Purpose of Report	To appoint the Chief Executive as Electoral Registration Officer and Returning Officer for Stroud District Council
Decision(s)	Council RESOLVES to: 1. Appoint Kathy O’Leary, Chief Executive as Electoral Registration Officer pursuant to section 8(2)(a) of the Representation of the People Act 1983 with immediate effect. 2. Appoint Kathy O’Leary, Chief Executive as Returning Officer pursuant to section 35(1) of the Representation of the People Act 1983 with immediate effect 3. Appoint Hannah Emery, Elections Manager as Deputy Electoral Registration Officer, with the full powers of the Electoral Registration Officer in her absence.
Consultation and Feedback	This is a management and legal requirement and not subject to any formal consultation.
Financial Implications and Risk Assessment	There are no direct financial implications arising from this report. Tel: Adele Rudkin, Accountant, 01453 754109 Email: adele.rudkin@stroud.gov.uk :
Legal Implications	These formal appointments are legally required so the Council can continue to meet statutory responsibilities relating to electoral matters. The Constitution would be updated by the Monitoring Officer to reflect these appointments. Nicola Swan, Interim Head of Legal & Monitoring Officer Tel: 01453 754369 Email: nicola.swan@stroud.gov.uk

Report Author	Hannah Emery Elections Manager Email: hannah.emery@stroud.gov.uk
Options	The Council does not have to appoint a Deputy Electoral Registration Officer but this is not recommended.
Background Papers/ Appendices	Representation of the People Act 1983

1. Council at its meeting on 9 August 2018 agreed to appoint the Director of Tenant and Corporate Services as Electoral Registration Officer and Returning Officer on an interim basis from the 5 October 2018 following the retirement of the previous Chief Executive. Approval is now being sought to agree the appointment of Kathy O’Leary, Chief Executive on a permanent basis.
2. The appointment of the Electoral Registration Officer (ERO) is prescribed in Section 8 of the Representation of the People Act 1983. In England, the Council of every district is required to appoint an officer of the Council to be ERO to have statutory responsibility to (amongst other things) create and maintain the register of electors and the absent voters list. This person is also responsible for publishing a revised electoral register and alterations notices.
3. Similarly, in England, every District Council is required to appoint an officer of the Council to be the Returning Officer by Section 35(1) Representation of the People Act 1983 for the election of District Councillors and for the election of Councillors of any Parish within the District. Whoever is appointed as Returning Officer automatically becomes responsible for the conduct of other elections, and whoever is appointed as ERO becomes responsible for the conduct of some elections (most notably, Parliamentary elections as Acting Returning Officer) by Section 28 of the Representation of the People Act 1983.
4. The positions of Returning Officer and Electoral Registration Officer are a personal responsibility on the officer concerned. 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.
5. 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 ERO.