

Report to: Full Council

Date: 24 February 2020

Title: Appointment of Returning Officer and Electoral Registration Officer

Report of: Assistant Director – Legal and Democratic Services

Ward(s): All

Purpose of report: To recommend that Council appoints Ian Fitzpatrick, Deputy Chief Executive, as Returning Officer and Electoral Registration Officer for Lewes District Council

Officer recommendation(s): (1) That Ian Fitzpatrick, Deputy Chief Executive, be appointed as the Returning Officer for District, Town and Parish elections, and for polls and referendums within the Lewes District, The Acting Returning Officer for UK Parliamentary Elections and Referendums and the Electoral Registration Officer for the Lewes District.

Reasons for recommendations: The Returning Officer and Electoral Registration Officer has overall responsibility for the conduct of elections and registration. The existing position where one individual (the Council’s Chief Executive) is responsible across both councils is onerous, and unnecessary.

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1 Introduction

- 1.1 The current appointment of Returning Officer (RO) and Electoral Registration Officer (ERO) for Lewes District Council is Robert Cottrill, Chief Executive. He has also been the designated RO and ERO for Eastbourne Borough Council for some years.
- 1.2 Whilst it is lawfully possible for there to be a single RO / ERO across both authorities, it is onerous. Eastbourne Borough Council and Lewes District Council together comprise a total of 30 wards (Eastbourne 9; Lewes 21). A part of the RO’s duties includes checking that polling arrangements operate satisfactorily on the day of poll. Whilst the geography of Eastbourne Borough is relatively compact, Lewes District covers a wide and largely rural area with a significantly greater number of polling stations. In addition, combining the RO / ERO role in a single officer means that the RO / ERO is not able to be present

for the full duration of Counts within Lewes District as he / she must divide his / her time on the day of the Count between Lewes and Eastbourne.

- 1.3 Ian Fitzpatrick, Deputy Chief Executive, is an experienced Deputy Returning Officer and a solution is to appoint him as the designated RO and ERO for elections, polls and referendums within Lewes District.

2 Roles and Responsibility

- 2.1 The Returning Officer (RO) is the person who has overall responsibility for the conduct of elections in Lewes District. Section 35 of the Representation of the People Act 1983 requires the Council to appoint an officer of the Council to be the Returning Officer in local elections. It is the Returning Officer's duty to organise and conduct elections.

- 2.2 The Returning Officer is an officer of the Council but the role is a personal responsibility, independent and separate from his/her duties as an employee of the Council. The Returning Officer may appoint one or more persons, (Deputy Returning Officer), to discharge all or any of his/her functions.

- 2.3 The Electoral Registration Officer (ERO) is the person with the statutory responsibility for the creation and maintenance of the register of electors and the absent voters lists. This person takes responsibility for publishing a revised electoral register and issuing monthly alterations notices. The ERO is also the Acting Returning Officer for Parliamentary elections. The High Sheriff of East Sussex is the Returning Officer at Parliamentary elections as an honorary position.

- 2.4 The Electoral Registration Officer (ERO) is an officer of the Council but the role of Electoral Registration is a personal responsibility, independent and separate from his/her duties as an employee of the council. The roles of Returning Officer and Electoral Registration Officer are typically combined and performed by a single person and appointed by Full Council

3 Financial appraisal

- 3.1 The Representation of the People Act 1983 makes provision for a scale of expenses to be fixed for the purpose of determining the RO expenditure.

- 3.2 Elections are categorised as either "local" (i.e. parish, district, county or unitary) or 'Parliamentary' (i.e Westminster). Parliamentary elections and Referenda have their own fees and charges set by the Cabinet Office and appropriate expenditure on these elections is reclaimed from central government.

- 3.3 In respect of town, parish, district and county elections the RO is paid an allowance and these are set out in an East Sussex Scale of Fees document that is approved each year by the East Sussex Chief Executives group. Town, Parish and County councils election costs are recoverable. There is no change to the existing financial arrangements in place as a result of this report.

4 Legal implications

4.1 The Representation of the People Act 1983 (s.35) requires the Council to appoint an Officer of the Council to be the Returning Officer in local elections.

4.2 It is a requirement of Section 8 of the Representation of the People Act 1983 that the Council appoints an Electoral Registration Officer. By virtue of s. 28(1) of the Act the Electoral Registration Officer may act as Acting Returning Officer in Parliamentary elections.

5 Risk management implications

5.1 If Council fails to appoint a Returning Officer/Electoral Registration Officer then it fails to meet its statutory duty.

6 Equality analysis

6.1 A detailed Equality Analysis is not required for this report.

7 Sustainability implications

7.1 No implications arising from this report.

8 Appendices

- None

9 Background papers

- None