

COUNCIL  
14 MARCH 2019

Report of the Chief Executive

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

### **PURPOSE OF REPORT**

To confirm the appointment of Paul Wilson, the Council's Chief Executive, as the Council's Returning Officer and Electoral Registration Officer for the District Council and Town / Parish Council elections to be held on 2<sup>nd</sup> May 2019.

### **RECOMMENDATION**

1. That Paul Wilson is appointed the Council's Returning Officer and Electoral Registration Officer for the District Council and Town / Parish Council elections to be held on 2<sup>nd</sup> May 2019.
2. That the role of Returning Officer and Electoral Registrations Officer reverts to Sandra Lamb, the Council's Head of Corporate Services for all successive elections thereafter until such time that Sandra Lamb leaves the employment of the Council, at which time the position will revert back permanently to the Chief Executive.

### **WARDS AFFECTED**

Not applicable

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## **1. BACKGROUND**

- 1.1 S.35 of the Representation of People Act 1983 requires District Councils to appoint an officer of the Council to be the Returning Officer (RO) for the election of councillors of the County, District and Parishes within the district.
- 1.2 This RO also takes on the role of Deputy Returning Officer at County Elections and the Acting Returning Officer at Parliamentary Elections. The RO will, in addition, manage European Elections and Parish Elections. The post also takes on the role of Counting Officer in any Referendum. The post is usually assigned to a Senior Officer within the Council.
- 1.3 The duties of an RO are separate from the duties of the post-holder as a Local Government Officer. An RO is not responsible to the Council but is directly and personally accountable to the Courts as an independent statutory office holder. Remuneration for this personal responsibility and funding for the election process as a whole is usually provided by the body for which the election is being held.
- 1.4 Under section 8 of the Representation of People Act 1983 every District Council is also required to appoint an Electoral Registration Officer (ERO) and this is the person who has the statutory duty to compile and maintain an Electoral Roll (including conducting an annual canvass). The funding for this function is met by the District Council. In most cases, the RO and ERO roles are carried out by the same post-holder. Currently the ERO post within Derbyshire Dales rests with the Chief Executive, with the Head of Corporate Services performing the Deputy Role.

- 1.5 Within Derbyshire Dales the ERO position is supported by an Electoral Services Team who also plays a significant part in any election taking place. This Team reports directly to the Head of Corporate Services.
- 1.6 At the meeting of Council on 27<sup>th</sup> July 2017, Sandra Lamb was appointed as the Council's Returning Officer and Electoral Registration Officer. In regard to the forthcoming District, Town and Parish Council elections to be held on 2<sup>nd</sup> May 2019, Sandra Lamb is temporarily unable to fulfil the responsibilities of this role, therefore Council is required to make alternative arrangements.
- 1.7 For the sole purpose of these elections, it is proposed that this responsibility be transferred to Paul Wilson, the Council's Chief Executive. For all elections thereafter, the responsibility will back revert to Sandra Lamb until such time that she leaves the employment of the Council, at which time the position will revert back permanently to the Chief Executive

## **2. RISK ASSESSMENT**

### **2.1 Legal**

The RO responsibilities are personal and carry significant risk to the individual. Indemnity insurance is provided in all cases to mitigate the risk of a legal challenge. It is a statutory requirement under the Representation of People Act 1983 to appoint a Returning Officer and Electoral Registration Officer and any failure to do so could lead the Council liable to challenge for failing to meet its statutory duties.

### **2.2 Financial**

There are no financial risks arising from this report.

## **3. OTHER CONSIDERATIONS**

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

## **4. CONTACT INFORMATION**

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## **5. BACKGROUND PAPERS**

- 5.1 Council Report : 27<sup>th</sup> July 2017