

# Gloucester City Council

<b>Meeting:</b>	<b>Council</b>	<b>Date:</b>	<b>27 March 2014</b>
<b>Subject:</b>	<b>Appointment of Electoral Registration Officer and Returning Officer</b>		
<b>Report Of:</b>	<b>Head of Legal and Policy Development</b>		
<b>Wards Affected:</b>	<b>All Wards</b>		
<b>Key Decision:</b>	<b>No</b>	<b>Budget/Policy Framework:</b>	<b>No</b>
<b>Contact Officer:</b>	<b>Kirsty Cox, Senior Elections Officer</b>		
	<b>Email: <a href="mailto:kirsty.cox@gloucester.gov.uk">kirsty.cox@gloucester.gov.uk</a></b>	<b>Tel:</b>	<b>396203</b>
<b>Appendices:</b>	<b>None</b>		

## FOR GENERAL RELEASE

Note: The special circumstances for non-compliance with Access to Information Rule 5 and Section 100B (4) of the Local Government Act 1972 (as amended) (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) were that the information was not known at the time of publishing the agenda.

### 1.0 Purpose of Report

1.1 To outline the legal requirements relating to the appointment of an Electoral Registration Officer and Returning Officer.

### 2.0 Recommendations

2.1 Council is asked to **RESOLVE:**

- (1) That, in terms of the Representation of the People Act 1983 and all related legislation, Peter Gillett be appointed as Electoral Registration Officer for the City.
- (2) That, in terms of Section 41 of the Local Government Act 1972 and all related legislation, Peter Gillett be appointed as Returning Officer for the City Council, with authority to act in that capacity for elections to the City and Quedgeley parish council.
- (3) That the City Council Returning Officer also be appointed or authorised to act in respect of all related electoral, poll or referendum duties, including in relation to County Council elections, elections to the European Parliament, and for national and regional polls or referenda.
- (4) That the Electoral Registration Officer and the Returning Officer be authorised to appoint a deputy or deputies in relation to these roles.

- (5) 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 scale of fees approved by the Gloucestershire Election Fees Working Party for local elections, or the relevant scale of fees prescribed by a Fees Order in respect of national, regional or European Parliament elections, polls or referenda.
- (6) 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 contribution from central government or other agencies where this can be done.
- (7) That in relation to the conduct of local authority elections and polls, and elections to the UK Parliament, and all other electoral duties where the Council is entitled by law to do so, the Council shall take out and maintain insurance, indemnifying the Council and the Returning Officer against legal expenses reasonably incurred in connection with the defence of any proceedings brought against the Council or the Returning Officer and/or the cost of holding another election in the event of the original elections being declared invalid (provided that such proceedings or invalidation are the result of accidental contravention of any 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 action for them in connection with the election or poll).
- (8) 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 reserve or otherwise, will indemnify the Returning Officer up to the value of such an excess.

### **3.0 Background and Key Issues**

- 3.1 Under Section 8 of the Representation of the People Act 1983, and section 41 of the Local Government Act 1972, the Council is required to appoint one of its officers to act as Electoral Registration Officer and a Returning Officer for the City Council.
- 3.2 The roles of the Electoral Registration Officer and the Returning Officer for the City Council, as extended by various Acts of Parliament or Statutory Orders, cover such duties as:
  - Returning Officer for Quedgeley Parish Council elections or parish polls
  - Acting Returning Officer for Parliamentary Elections where designated by the appropriate Government Minister
  - Deputy Returning Officer for County Council elections in relation to the divisions within Gloucester City
  - Local Returning Officer for elections to the European Parliament; and
  - Local Counting Officer in relation to national and regional referenda

#### **4.0 Alternative Options Considered**

4.1 The Council has a statutory duty to make these appointments from suitably qualified employees. No other options have been identified.

#### **5.0 Reasons for Recommendations**

5.1 To meet the statutory requirements to appoint a Returning Officer and Electoral Registration Officer.

#### **7.0 Financial Implications**

7.1 There are no financial implications.

#### **8.0 Legal Implications**

8.1 Under Section 8 of the Representation of the People Act 1983, and section 41 of the Local Government Act 1972, the Council is required to appoint one of its officers to act as Electoral Registration Officer and a Returning Officer for the City Council.

8.2 Under Part 3, Section 1 of the Gloucester City Council constitution, Council has the duty to appoint an Electoral Registration Officer and a Returning Officer for local government elections.

#### **9.0 Risk & Opportunity Management Implications**

9.1 Associated risks are mitigated by the Election Risk Register.

#### **10.0 People Impact Assessment (PIA):**

10.1 The PIA Screening Stage was completed and did not identify any potential or actual negative impact, therefore a full PIA was not required.

#### **11.0 Other Corporate Implications**

##### Community Safety

11.1 There are no community safety implications resulting from this report.

##### Sustainability

11.2 There are no sustainability implications resulting from this report.

##### Staffing & Trade Union

11.3 There are no issues relating to trade unions arising from this report.

**Background Documents:** None