

Late Item

HAVANT BOROUGH COUNCIL
COUNCIL
WEDNESDAY, 14TH OCTOBER, 2015

Dear Councillor

I am now able to enclose the following late item for consideration at the next meeting of the Council to be held on Wednesday, 14th October, 2015.

With the Mayor's approval I am now able to enclose this as a late item on the grounds that the Council has to appoint a Returning Officer and Electoral Registration Officer as required by Section 35(1) and Section 8(2)(a) of the Representation of the People Act 1983.

Agenda No Item

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NON EXEMPT

HAVANT BOROUGH COUNCIL

COUNCIL

14 October 2015

APPOINTMENT OF RETURNING OFFICER AND ELECTORAL REGISTRATION OFFICER

Report By Senior Contentious Lawyer

FOR DECISION

Cabinet Lead:

Key Decision: No

1.0 Purpose of Report

- 1.1 In view of the departure of the former Head of Legal Services, Jo Barden-Hernandez, who was the Council's Returning Officer (RO) and Electoral Registration Officer (ERO), the Council is required to appoint a new Returning Officer and Electoral Registration Officer.

2.0 Recommendation

- 2.1 It is recommended that the Council appoints Mr Nick Leach, the Council's Monitoring Officer and Senior Lawyer to both roles. It will not be necessary to formally appoint a Deputy RO as the RO may appoint such deputies as he may deem appropriate for each scheduled election.

3.0 Summary

- 3.1 Following the departure of the previous RO and ERO, the Council is required to appoint a replacement.

4.0 Subject of Report

- 4.1 Every district council in England is required by Section 35(1) of the Representation of the People Act 1983 to appoint an officer of the council to be the RO for elections of district (borough) councillors. Section 8(2)(a) of the Act also requires the Council to appoint an officer to be the ERO. The ERO is responsible for the preparation and maintenance of the electoral register for any parliamentary constituency or part of a constituency within its area.
- 4.2 According to Section 28(1) of the Act, only the ERO may act as the (Acting) Returning Officer at Parliamentary elections, the Returning Officer for these elections being the Mayor. It makes sense, therefore, to ensure that one officer is appointed as both the RO and ERO.

NON EXEMPT

5.0 Implications

- 5.1 **Resources:** There are no financial implications for the Council. Whilst the RO is paid on a scale fee basis in respect of individual elections as and when they are held, no separate or additional remuneration is payable in respect of the post of ERO. Provision is made each year in the Council's General Fund revenue budget for the running costs associated with Borough Council elections. Central government pays for Parliamentary and European Parliamentary elections (including national referendums). Hampshire County Council cover the costs of their elections.
- 5.2 **Legal:** There are no additional legal implications other than those set out in the report.
- 5.3 **Strategy:** The appointment reflects the Council's intention to work in an efficient way and in accordance with legislation.
- 5.4 **Risks:** There are risks associated with the Council not having a Returning Officer and an Electoral Registration Officer in place.
- 5.5 **Communications:** The appointments will be notified to those who need to know.
- 5.6 **For the Community:** The appointments provide continuity following the departure of the previous Returning Officer.

6.0 Consultation

Executive Head of Governance & Logistics: 9 October 2015
Executive Head of Marketing & development: 9 October 2015

Appendices: None

Background Papers: None

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