

Report to the Council

Report of Monitoring Officer: C O'Boyle (Ext 4475) Date: 22 February 2018

**Subject: Appointment of Returning and Electoral Registration
Officer and Associated matters**

Recommending:

(1) That, in accordance with the Representation of the People Act 1983 and all related legislation, Simon Hill, be confirmed as Electoral Registration Officer (ERO) for the Council with immediate effect with authority to appoint deputy or deputies as may be required;

(2) That, in terms of Section 41 of the Local Government Act 1972 and all related legislation, and with immediate effect, Simon Hill be appointed as Returning Officer for the Council, with authority to act in that capacity for elections to the District Council and all or any parish and town councils within the Epping Forest District, This appointment to continue until a further review of this position when a new chief executive is appointed by the Council;

(3) That the Council's Returning Officer/Electoral Registration Officer be also appointed or authorised to act in respect of all related electoral, poll or referendum duties, including those in relation to County Council elections, elections to the European Parliament (if required), and for national and regional or local polls and referendums;

(4) That, in relation to the duties of Returning Officer or any other electoral, referendum or polling duties arising from such appointment, the Returning Officer shall be entitled to be remunerated in accordance with scale of fees approved by the Council 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 referendums;

(5) 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 employer's contributions from central government or other local authorities or agencies where this can be done;

(6) That, in relation to the conduct of local authority elections and polls, and elections to the United Kingdom Parliament, and all other electoral duties where the Council is entitled by law to do so, the Council shall take out and maintain in force 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 election being declared invalid (provided that such proceedings or invalidation are the result of

the accidental contravention of the Representation of the People Acts or other 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 acting for him in connection with the election or poll); and

(7) That any such insurance carrying an 'excess' clause by which an initial portion of risk is not insured, the Council, through its internal insurance fund or otherwise, will indemnify the Returning Officer up to the value of such excess.

1. (Monitoring Officer) The Council's Chief Executive, Mr G. Chipp has tendered his resignation and is anticipated to leave the Council in March 2018. A report elsewhere on this agenda deals with proposals for an officer to be appointed to act in the capacity of Head of Paid service for an interim period.. The Council is required to comply with the requirement of the Representation of the People Act 1983, namely Sections 8, 28(1), 35 and 52(2) respectively, in relation to the appointment of the Council's Returning Officer, and Electoral Registration Officer.

2. It is proposed that Simon Hill, Assistant Director, Governance be appointed to undertake this role until the appointment of a new Chief Executive. The Returning Officer and Registration Officer require full authority to act consolidated into a single resolution as set out in the recommendations.

3. The resolution covers the following:

(a) the Returning Officer's role in respect of District and Parish and Town Council elections (recommendations (1) and (2));

(b) the Registration Officer's role in respect of County Council, European Parliamentary elections and national/local referendums and polls (recommendation (3));

(c) the payment of national scale fees to the Returning Officer (recommendation (4));

(d) superannuable status for payments under (c) (recommendation (5));

(e) authorisation of indemnity insurance by the Council in respect of the Returning and Registration Officer's functions (recommendation (6)); and

(f) indemnification of the Returning and Registration Officer by the Council of any liability insurance excess (recommendation (7)).

4. A full listing of statutory powers of the Returning Officer is given below:

(a) Registration Officer under section 8(2)(a) of the Representation of the People Act (RPA) 1983 and through Section 28 of the RPA, Acting Returning Officer for the purposes of UK Parliamentary elections and through Section 6 of the European Elections Act 2002, Local Returning Officer for European Parliamentary elections;

(b) Counting Officer for the purposes of Section 61E of the Town & Country Planning Act 1990 and the Localism Act 2011 (Section 116) (Local Referendums on Neighbourhood Plans);

(c) District Returning Officer for the Epping Forest District under Section 35(1) of the RPA 1983(Conduct of District Council/Parish Council elections) and through Sections 52ZQ and 113 of Local Government Finance Act 1992, Proper Officer for local referendums in connection with Council Tax precepts);

(d) Proper Officer under Sections 34, 35 and 105(2) of the Local Government Act 2000 (petitions and referendums in connection with the Executive Constitution of the Council);

(e) Nominated Deputy County Returning Officer under Section 35(1) of the RPA 1983 County Council elections as appointed by the County Returning Officer);

(f) Nominated Local Returning Officer under Section 54 of the Police & Social Responsibility Act 2011 (election of Police & Crime Commissioners under the direction of County Returning Officer); and

(g) Nominated Local Counting Officer for the purposes of Section 128 of the Political Parties, Elections and Referendums Act 2000 (National referendums under the direction of the Chief Counting Officer (i.e. the Chief Executive of the Electoral Commission)).

5. These powers and duties are already shown in the schedule of delegation of Council functions in the Constitution which will be amended to reflect the Council's decision on this matter.