

Report to the Council

Report of: Monitoring Officer

Date: 25 April 2019

1. APPOINTMENT OF RETURNING OFFICER & ELECTORAL REGISTRATION OFFICER

Recommending:

- (1) That, in accordance with the Representation of the People Act 1983 and all related legislation, Georgina Blakemore be confirmed as the Electoral Registration Officer (ERO) for the Council with effect from 3 May 2019, with authority to appoint a 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 effect from 3 May 2019, Georgina Blakemore 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;**
- (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. At its meeting on 21 February 2019, the Council appointed the Chief Executive, Georgina Blakemore, as its Returning Officer and Electoral Registration Officer with effect from 24 May 2019.
2. The purpose of the assumption of the Returning Officer and Electoral Registration Officer responsibilities by the Chief Executive on 24 May 2019, was to allow the expiry of the period for challenge to the operation of the local elections to be held on 2 May 2019, for which Derek Macnab (Acting Chief Executive) was appointed as Returning Officer by the Council on 20 December 2018.
3. As a result of the unforeseen requirement for preparations to be made for the holding of European Parliamentary elections on 23 May 2019, it is necessary to bring forward the appointment of Georgina Blakemore as Returning Officer.
4. The administrative and operational arrangements for the local elections to be held on 2 May 2019 are currently at an advanced stage of planning and it is intended that Derek Macnab continue to manage the elections as Returning Officer.
5. In order to ensure that effective planning arrangements are continued for the European Parliamentary elections that may be required to be held on 23 May 2019, it is therefore proposed that the appointment of Georgina Blakemore as Returning Officer now take effect from 3 May 2019, immediately following the completion of the local elections.
6. Election petitions can be used to challenge the result of elections, which must normally be presented within 21 calendar days after the day on which an election was held. The Chief Executive has received advice from the Association of Electoral Administrators that confirms that it is not necessary for there to be continuity of appointment of the Returning Officer for both an election and the subsequent challenge period.
7. The appointment of Georgina Blakemore as Returning Officer and Electoral Registration Officer with effect from 3 May 2019 is considered to be the most effective approach to the administration of the European Parliamentary elections that may be required to be held on 23 May 2019.