



Basingstoke  
and Deane

## Interim arrangements for the role of Returning Officer and Electoral Registration Officer

### Cllr Ken Rhatigan, Leader of the Council

---

Report to	Council 15 July 2021
Ward(s):	All
Key Decision:	No
Papers relied on:	None

---

#### FOREWORD

#### Cllr Ken Rhatigan, Leader of the Council

These proposals have my support in ensuring appropriate interim arrangements are in place for the statutory roles of Returning Officer and Electoral Registration Officer.

#### Recommendation to Council:

- To approve the interim appointment of Sue Cuerden, Executive Director of Corporate Services and Section 151 Officer as Returning Officer and Electoral Registration Officer for the period of Rebecca Emmett's maternity leave.

## BACKGROUND, CORPORATE OBJECTIVES AND PRIORITIES

This report accords with the council's Policy and Budget Framework and supports the development of an effective and efficient council.

The Representation of the People Act 1983 (s.35) requires the Council to appoint an officer of the Council to be the Returning Officer in local elections.

It is a requirement of section 8 of the Representation of the People Act 1983 that the Council appoints an Electoral Registration Officer.

By virtue of s. 28(1) of the Act the Electoral Registration Officer may act as Acting Returning Officer in Parliamentary elections.

### Glossary

Term	Definition
Returning Officer	The Returning Officer is the person who has the overall responsibility for the conduct of elections in Basingstoke and Deane.
Deputy Returning Officer(s)	Appointment by the Returning Officer to discharge the Returning Officer's duties on his/her behalf.
Electoral Registration Officer	The Electoral Registration Officer has the statutory responsibility to create and maintain the register of electors and the lists of absent voters.

## MAIN CONSIDERATIONS

### 1 Executive Summary

1.1 The Council's Executive Director of Residents' Services, Rebecca Emmett is due to commence maternity leave in September for a period of 9 months. Rebecca is also the Council's statutory Returning Officer and Electoral Registration Officer.

1.2 It is, therefore, necessary to make interim appointments to these roles until Rebecca returns from maternity leave.

### 2. The proposal

2.1 Rebecca Emmett in addition to being the Council's Executive Director of Residents' Services is also the Council's Returning Officer and Electoral Registration Officer. It is a legal requirement under the Representation of the People Act 1983 to appoint to these roles.

2.2 The Returning Officer is an officer of the Council but the role of the Returning Officer is independent and separate from their duties as an employee of the Council, and in carrying out this duty they have personal responsibility for the conduct of elections and are directly accountable to the High Court. The

Returning Officer may appoint one or more persons (Deputy Returning Officers) to discharge all or any of his/her functions.

- 2.3 Section 8 Representation of the People Act 1983 requires the Council to appoint an Electoral Registration Officer. They are the person with the statutory responsibility for the creation and maintenance of the register of electors and the lists of absent voters. This person takes responsibility for publishing a revised electoral register and issuing monthly alteration notices. The Electoral Registration Officer is also the Acting Returning Officer for UK Parliamentary Elections.
- 2.4 The Electoral Registration Officer is an officer of the Council but the role is a personal responsibility, independent and separate from their duties as an employee of the Council. The roles of Returning Officer and Electoral Registration Officer are typically combined and performed by a single person. These officers and the Deputy Electoral Registration Officer are appointed by Full Council. Responsibility for the appointment of a Deputy Returning Officer at an election rests with the Returning Officer.
- 2.5 It is proposed to appoint Sue Cuerden the Council's Executive Director of Corporate Services to fulfil the roles of Returning Officer and Electoral Registration Officer on an interim basis until Rebecca Emmett returns from maternity leave. She will be supported in these roles by Russell O'Keefe, the Council's Chief Executive who has previously carried out the role of Returning Officer and Electoral Registration Officer whilst working for another Council. It will also provide greater long-term resilience and capacity to the Council through ensuring that the Council has three senior officers with direct experience of undertaking these key roles.

### **3 Legal**

- 3.1 The proposals outlined in the paper fulfil the Council's duty under the Representation of the People Act 1983 to appoint a Returning Officer and Electoral Registration Officer.

### **4 Financial**

- 4.1 The costs associated with the appointments will be met within existing budgets.

### **5 Risk management**

- 5.1 A risk assessment has been completed in accordance with the council's risk management process and has identified no significant (Red or Amber)

### **6 Equalities**

- 6.1 There are no specific equality considerations with regards to this interim arrangement.

### **7 Consultation and communication**

- 7.1 This proposal has been discussed with the Executive Director of Corporate Services who is willing to undertake these roles. The proposal has also been discussed with the current Executive Director of Residents' Services and Returning Officer and Electoral Registration Officer.

## 8 Climate Change

8.1 There are no climate change implications from this report.

## 9 HR

9.1 The HR implications are as outlined within the report.

## Conclusion

### 10 Summary and reason for the decision

10.1 The Council is required by law to appoint a Returning Officer and Electoral Registration Officer. Council is asked to approve the interim appointment of Sue Cuerden as Returning Officer and Electoral Registration Officer for the period of Rebecca Emmett's maternity leave.

### 11 The options considered and rejected

11.1 Council appoints another officer of the council as Returning Officer and Electoral Registration Officer for the period - this is not recommended as the Executive Director of Corporate Services is well placed to take on this role and it will increase the resilience and capacity in the senior leadership team in these areas.

**Date:** 15 July 2021  
**Decision taken by:** Council

<b>Lead officers</b>	Russell O'Keefe, Chief Executive
<b>Report authors</b>	Russell O'Keefe, Chief Executive
<b>Version</b>	For Council
<b>Dated</b>	15 July 2021
<b>Status</b>	Open
<b>Confidentiality</b>	It is considered that information contained within this report does not contain exempt information under the meaning of Schedule 12A of the Local Government Act 1972, as amended, and therefore can be made public.