



SPECIAL COUNCIL – 21ST FEBRUARY 2019

SUBJECT: APPOINTMENT OF DEPUTY ELECTORAL REGISTRATION OFFICER

REPORT BY: ELECTORAL REGISTRATION OFFICER

1. PURPOSE OF REPORT

- 1.1 To appoint a Deputy Electoral Registration Officer.

2. SUMMARY

- 2.1 The Council's appointed Electoral Registration Officer is the interim Chief Executive and the purpose of this report is to seek the appointment of the Head of Legal Services as Deputy Electoral Registration Officer.
- 2.2 There is no legal requirement to make the appointment. However, this report outlines the reasons why it is advised to make such an appointment.

3. LINKS TO STRATEGY

- 3.1 This matter deals with a statutory option of appointing a Deputy Electoral Registration Officer and supports the Wellbeing Goal 'A Wales of cohesive communities within the Well-being of Future Generations Act (Wales) 2015.

4. THE REPORT

- 4.1 Under section 8(2) of the Representation of the People Act 1983, the Council must appoint an Officer to the position of Electoral Registration Officer. This position is responsible for maintaining the Electoral Register for the county borough and undertaking the role of Acting Returning Officer at Parliamentary Elections.
- 4.2 The Interim Chief Executive is the Electoral Registration Officer and under section 52(2) of the Representation of the People Act 1983 the Council may appoint a Deputy Electoral Registration Officer who is able to perform and exercise any of the duties and powers of the Electoral Registration Officer.
- 4.3 One of the key roles of the Electoral Registration Officer is to hold a hearing in respect of any reviews of registration or any objections received for an application to be included on the Register of Electors. Reviews and objections can be made at any time during the life of the Register. The objections may be in relation to an existing elector as well as new applications.
- 4.4 For objections, the legislation provides that these hearings (which are quasi-judicial) must be held no earlier than the third day and no later than the seventh day after the notice of objection was received. If a hearing is not held within this timescale then the Council will be in breach of the legislation.

- 4.5 The Electoral Services Manager, who also has the authority to allow and disallow applications for registration, would be unable to act as he would have taken the original decision.
- 4.6 Since the Council does not currently have a Deputy Electoral Registration Officer then there is a risk the Council could be in breach of the legislation if the Electoral Registration Officer (Interim Chief Executive) is unavailable for a period when a hearing needs to take place. Therefore it is recommended that a permanent appointment is made to this post in order to remove that risk.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no financial implications of this report.

6. PERSONNEL IMPLICATIONS

- 6.1 There are no personnel implications contained in this report.

7. WELL-BEING OF FUTURE GENERATIONS

- 7.1 This report contributes to the well-being goals as set out in links to strategy above. It supports the Wellbeing Goal 'A Wales of cohesive communities' within the Well-being of Future Generations Act (Wales) 2015.

8. EQUALITIES IMPLICATIONS

- 8.1 This report links to equality objective 5 (Inclusive engagement and participation) of the Council's EqIA process. The appointment recommended has no detrimental effect.

9. CONSULTATIONS

- 9.1 The consultees listed below have been consulted on this report and their views have been incorporated accordingly.

10. RECOMMENDATIONS

- 10.1 To appoint the Head of Legal Services as Deputy Electoral Registration Officer.

11. REASONS FOR THE RECOMMENDATIONS

- 11.1 To ensure registration hearings can be carried out within the statutory timescale.

12. STATUTORY POWER

- 12.1 Section 52(2) of the Representation of the People Act 1983.

Author: Dave Beecham, Electoral Services Manager

Tel: 01443 864405 E-mail: beeched@caerphilly.gov.uk

Consultees: Christina Harry - Interim Chief Executive / Electoral Registration Officer / Returning Officer

Cllr Barbara Jones - Cabinet Member Finance, Performance and Governance

Robert Tranter, Head of Legal Services / Monitoring Officer