

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Executive Manager - Governance (Deputy Monitoring Officer)

To: South Holland District Council Wednesday, 3 March 2021

(Author: Rhonda Booth Democratic Services Manager)

Subject Appointment of Returning Officer/Electoral Registration Officer

Purpose: To designate an officer as the Returning Officer and Electoral Registration Officer to the Council with immediate effect.

Recommendation(s):

- 1) That Christine Marshall, Executive Director Commercialisation, be appointed Returning Officer and Electoral Registration Officer to the Council with immediate effect.
- 2) That the Council agrees to grant an indemnity to Christine Marshall for any personal liability arising from her appointment by the Council as Returning Officer or Electoral Registration Officer;

1.0 BACKGROUND

- 1.1 In accordance with the legislation stated below, the Council is required to appoint an officer to the following positions:
 - Returning Officer – section 35(1) of the Representation of the People Act 1983;
 - Electoral Registration Officer – section 8(2)(a) of the Representation of the People Act 1983.
- 1.2 Rob Walker, Shared Director of Place, was appointed to both of the above roles on 26 July 2017 and has held these appointments since that time.
- 1.3 For personal reasons Rob Walker is unable to continue in these roles and therefore a suitable replacement is required to be appointed.
- 1.4 Christine Marshall has previously been a Deputy Returning Officer with a previous employer and is willing to take on the roles.
- 1.5 When undertaking the role of Electoral Registration Officer or Returning Officer the holder of those posts has personal responsibility (and liability) for the legality of the same and in respect of any legal challenge. This is particularly relevant to the post of Returning Officer where legal challenges can and do happen, and can be very costly to defend. Whilst the Council provides suitable insurance, this does not remove personal liability and an indemnity is therefore required – particularly in respect of insurance deductibles and sums not covered by insurance.

2.0 OPTIONS

2.1 Appoint Christine Marshall, Director of Commercialisation, in line with the recommendation above.

2.2 Appoint another officer to one or both posts.

3.0 **REASONS FOR RECOMMENDATION(S)**

3.1 To meet the Council's legal obligations to appoint to both posts and to ensure that the appointee has the necessary skills and experience to undertake the duties of both roles effectively.

4.0 **EXPECTED BENEFITS**

4.1 Appointment of a suitable officer is a legal requirement. It will also ensure that local democracy continues to be supported effectively and that the forthcoming elections remain well managed.

5.0 **IMPLICATIONS**

In preparing this report, the report author has considered the likely implications of the decision - particularly in terms of Carbon Footprint / Environmental Issues; Constitutional & Legal; Contracts; Corporate Priorities; Crime & Disorder; Data Protection; Equality & Diversity/Human Rights; Financial; Health & Wellbeing; Reputation; Risk Management; Safeguarding; Staffing; Stakeholders/Consultation/Timescales; Transformation Programme; Other. Where the report author considers that there may be implications under one or more of these headings, these are identified below.

5.1 **Constitutional & Legal**

5.1.1 The two appointments are functions of the Council. The Council is legally obliged to appoint an officer (or officers) to these two statutory roles.

5.1.2 The Council has statutory powers to provide indemnities – including the Local Authorities (Indemnities for Members and Officers) Order 2004 and also under 111 of the Local Government Act 1972 as facilitating, or being conducive or incidental to, the discharge of the Council's functions and also under the general power of competence in s1 Localism Act 2011.

5.2 **Crime and Disorder**

5.2.1 The Returning Officer is responsible for ensuring the integrity of elections. Proper management of elections will minimise the potential for election fraud.

5.2.2 **Equality and Diversity / Human Rights**

5.2.3 Appointment is made on the basis of suitability for the role(s).

5.3 **Financial**

5.3.1 There are no direct financial implications arising out of this report. However, the Returning Officer receives payment as and when elections are held, and this budgeted for

accordingly. With the exception of district council elections, these costs are reimbursed.

5.4 **Risk Management**

5.4.1 The appointments are a statutory requirement.

6.0 **WARDS/COMMUNITIES AFFECTED**

6.1 All wards and communities are affected.

Background papers:- None

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Key Decision: N

Exempt Decision: N

This report refers to a Mandatory Service