

Meeting of the Council – 26th February, 2024

Report of the Director of Finance and Legal

Appointment of Returning Officer and Electoral Registration Officer and Deputy Electoral Registration Officer

Purpose of Report

1. To appoint a Returning Officer and Electoral Registration Officer for the forthcoming Elections to be held on 2nd May 2024 and to appoint a Deputy Electoral Registration Officer.

Recommendations

2. That the appointment of Kevin O’Keefe as Returning Officer and Electoral Registration Officer be repealed and that Balvinder Heran (Deputy Chief Executive) be appointed as the Returning Officer and Electoral Registration Officer in respect of the elections to be held between 2nd May, and 31st December 2024, to enable the Council to comply with its statutory duties.
3. That Mohammed Farooq (Monitoring Officer and Lead for Law and Governance) be appointed as Deputy Electoral Registration Officer.

Background

4. Section 8 of the Representation of the People Act 1983 (“the 1983” Act”) requires every Local Authority to appoint an officer of the Council to be Electoral Registration Officer (“ERO”) and Section 35 of the Representation of the People Act 1983 requires every Local Authority to appoint a Returning Officer (“RO”) for elections. The role is to ensure that the elections are administered effectively and that, as a result, the experience of voters and those standing for election is a positive one.

5. Whilst both the positions of RO and ERO are undertaken by an officer of the Council, both the role of Electoral Registration and Returning Officer are personal responsibilities, independent and separate from their duties as employees of the Council. They are personally liable for these functions. The roles of Returning Officer and Electoral Registration Officer are typically combined and performed by a single person. These roles are appointed by Full Council. It is proposed to make the appointment as set out in the recommendation to have immediate effect to comply with legislative requirements.
6. On 30 April, 2019, at a meeting of Full Council, Kevin O'Keefe (Chief Executive) was appointed to both of these roles.
7. In the absence, or inability to act, of Kevin O'Keefe, the Council is required to designate an officer to carry out the functions of the Returning Officer and Electoral Registration Officer roles. It is proposed that the Council designates Balvinder Heran (Deputy Chief Executive) to these roles for Electoral purposes until 31st December, 2024. It is also proposed to designate Mohammed Farooq (Monitoring Officer and Lead for Law & Governance) as Deputy Electoral Registration Officer.
8. The 1983 Act does not require that the Chief Executive of a local authority be appointed to these roles. The law states that a Council must appoint "one of its officers" to these roles and it is imperative that the officer appointed has the necessary skills and experience. A Returning Officer must have a working knowledge of the relevant legislation governing the conduct of elections. A Returning Officer is personally responsible for the administration of the authority's Council elections and for ensuring that the experience of voters and those standing for elections is a positive one.
9. Other local Authorities in the West Midlands have appointed different officers of the Council, for example Birmingham City Council appoint the Assistant Director for Legal & Governance as Returning Officer.
10. A further report will be brought to the Council at the expiry of this appointment.

Finance

11. There are no additional financial implications arising directly from this report.

Law

12. The Council has a statutory duty to appoint to these roles. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 provide that functions relating to elections should not be the responsibility of a local authority's Executive (Cabinet).

Risk Management

13. The recommendations are to comply with legal requirements and there are no additional implications for the Council's Risk Management Framework.

Equality Impact

14. There are no implications relating to the Council's commitment to equality and diversity in connection with these appointments.

Human Resources/Organisational Development

15. The duties will be undertaken by existing Council employees. There are no additional human resources or organisational development implications.

Commercial/Procurement

16. There are no procurement or commercial implications.

Environment/Climate Change

17. There are no environmental implications affecting the Council's decision to declare a Climate Emergency or in relation to the impact on the Council's work to address Climate Change and achieve the Net Zero target.

Council Priorities and Projects

18. There are no implications affecting the Council's key priorities including the Borough Vision, Council Plan and Future Council Programme.



Iain Newman
Director of Finance and Legal