

**Appointment of Returning Officer and Electoral
Registration Officer**

Final Decision-Maker	Council
Lead Director	Chief Executive
Lead Officer and Report Author	Angela Woodhouse, Director of Strategy, Insight and Governance
Classification	Public
Wards affected	All

Executive Summary

This report recommends the appointment of a new Returning Officer and Electoral Registration Officer following a staff restructure.

Purpose of Report

Recommendation to Council

This report makes the following recommendations to this Committee:

That it is recommended to Council that:

- i. Appoints Angela Woodhouse, with immediate effect as the Returning Officer and Electoral Registration Officer for Maidstone Borough Council
- ii. Appoints Ryan O'Connell as Deputy Electoral Registration Officer; and
- iii. Gives permission for the Monitoring Officer to amend the Constitution to Reflect these changes.

Timetable

Meeting	Date
Democracy and General Purposes Committee	21 November 2022
Council	7 December 2022

Appointment of Returning Officer and Electoral Registration Officer

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> • Embracing Growth and Enabling Infrastructure • Safe, Clean and Green • Homes and Communities • A Thriving Place <p>We do not expect the recommendations will by themselves materially affect achievement of corporate priorities. However, they will support the Council's overall achievement of its aims as set out in section 3</p>	Director of Strategy, Insight and Governance
Cross Cutting Objectives	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected 	Director of Strategy, Insight and Governance
Risk Management	Already covered in the risk section	Director of Strategy, Insight and Governance
Financial	<p>The Representation of the People Act 1983 makes provision for a scale of expenses to be fixed for the purpose of determining the RO expenditure. These are in place.</p> <p>Elections are categorised as either "local" (i.e. parish, district, county or unitary) or "Parliamentary" (i.e. Westminster). Parliamentary elections and Referenda have</p>	Head of Finance

	their own fees and charges set by the Cabinet Office and appropriate expenditure on these elections is reclaimed from central government.	
Staffing	We will deliver the recommendations with our current staffing. Appropriate adjustments will be made to responsibilities for delivering electoral registration and elections including the election count management. This can be achieved within existing staffing resources.	Director of Strategy, Insight and Governance
Legal	Accepting the recommendations will fulfil the Council's duties under Section 35 of The Representation of the People Act 1983	Interim Team Leader (Contentious and Corporate Governance)
Privacy and Data Protection	The recommendations do not propose a change in service therefore will not require a Data Protection Impact Assessment	Policy and Information Team
Equalities	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	Equalities & Communities Officer
Public Health	We recognise that the recommendations will not impact on population health or that of individuals.	Public Health Officer
Crime and Disorder	No impact	Director of Strategy, Insight and Governance
Procurement	Any procurement associated with elections and electoral services is conducted in accordance with the Council's financial procedure rules	Director of Strategy, Insight and Governance
Biodiversity and Climate Change	There are no implications on biodiversity and climate change.	Biodiversity and Climate Change Manager

2. INTRODUCTION AND BACKGROUND

2.1 In February 2022, Policy and Resources Committee considered and approved a new senior management structure. Within that structure was the proposal that the Director of Strategy, Insight and Governance take on the role of Electoral Registration Officer and Returning officer in recognition of a future need for greater resilience in statutory roles.

- 2.2 The Returning Officer (RO) is the person who has the overall responsibility for the conduct of elections in Maidstone Borough. Section 35 of The Representation of the People Act 1983 requires the Council to appoint an officer of the Council to be the Returning Officer in local elections.
- 2.3 It is the Returning Officer's general duty at elections to do all such acts and things as may be necessary for effectively conducting the election for example:
- the nomination process for candidates and political parties
 - provision, administration, security and notification of polling stations
 - appointment of staff such as presiding officers and count staff
 - preparation and issue of all ballot papers
 - issue, receipt and counting of postal ballot papers
 - organising and delivering the count and declaration of results
 - receipt of all candidates' election expenses returns
 - presentation of final account and claiming appropriate funding from central government as prescribed
 - retention of election documents.
- 2.4 The Returning Officer is an officer of the Council, however, the role of the Returning Officer is a personal responsibility independent and separate from their duties as an employee of the Council. This role is currently held by the Chief Executive. Members have raised the matter of succession planning. It is proposed that the Director of Strategy, Insight and Governance be appointed as the Returning Officer for Maidstone Borough Council. The Returning Officer may appoint one or more persons to discharge all or any of their functions. The Director of Strategy, Insight and Governance proposes to appoint the Democratic and Electoral Services Manager, Ryan O'Connell as Deputy Returning Officer. The Chief Executive can provide support and guidance to the Returning Officer and Deputy Returning Officer as part of their development
- 2.5 The Electoral Registration Officer (ERO) is the person with the statutory responsibility for the creation and maintenance of the register of electors and the absent voters lists. This person takes responsibility for publishing a revised electoral register and issuing monthly alteration notices.
- 2.6 The ERO is an officer of the Council, however, the role of Electoral Registration Officer 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.
- 2.7 Following changes to the leadership structure and responsibilities implemented on 1 August 2022 it is proposed to make the appointment as set out in the recommendations. On 1 August 2022, Angela Woodhouse took on the role of Director of Strategy, Insight and Governance which includes responsibility for elections and the electoral registration service. For resilience it is recommended that the Democratic and Electoral Services

Manager, Ryan O’Connell is appointed as Deputy Electoral Registration Officer.

- 2.8 The Director of Strategy, Insight and Governance, Angela Woodhouse has significant election experience having been appointed as a Deputy Returning Officer at elections since 2005 and acting as Count Manager since 2016, with responsibility for both Electoral Registration and Electoral Services within their remit.

3. AVAILABLE OPTIONS

- 3.1 Retain and confirm the present arrangement with the Chief Executive as Returning Officer and Electoral Registration Officer
- 3.2 In line with the previously approved restructure appoint the Director of Strategy, Insight and Governance Angela Woodhouse as Returning Officer and Electoral Registration Officer and the Democratic and Electoral Services Manager Ryan O’Connell as Deputy Electoral Registration Officer

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 This report recommends the appointment of Angela Woodhouse as Returning Officer and Electoral Registration Officer and Ryan O’Connell as Deputy Electoral Registration Officer.
- 4.2 Angela Woodhouse has significant experience in elections and regularly deputises for the Chief Executive as Deputy Returning Officer as well as holding service level responsibility for electoral services.
- 4.3 The restructure approved by the Policy and Resources Committee on 9 February 2022, sought to improve future resilience of a key statutory role by placing it with the new Director of Strategy, Insight and Governance. The appointment is aligned with the agreed restructure.

5. RISK

- 5.1 The duties of a Returning Officer are separate from duties as a local government officer. Returning Officers are directly accountable to the courts as an independent statutory office holder. Returning Officers can appoint one or more persons to discharge any or all of their functions, they cannot delegate their personal responsibility for delivering the election (Section 35(4), 63(1) and (3) (b) Representation of the People Act 1983 refers).
- 5.2 The postholder proposed has significant electoral experience and has attended Returning Officer training. To mitigate risk they will ensure there is appropriate staffing to support elections including appointing key roles such as a Count Manager and Deputies to take on responsibilities. The postholder

alongside the Democratic and Electoral Services Manager already produce and manage project plans for elections and electoral registration this includes identifying and mitigating risk. The Chief Executive will also support the Director to take on this role.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 The Leader of the Council has been informally consulted on the proposals and a cross party Committee of the Council agreed a restructure of the Council's senior management team which included the appointment of the Director of Strategy, Insight and Governance taking on the statutory roles of Electoral Registration Officer and Returning Officer.
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7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 Once approved the constitution will be amended by the Monitoring Officer to reflect the change in responsibility. There will also be procedural changes made by the Democratic and Electoral services manager and their team.
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8. REPORT APPENDICES

None

9. BACKGROUND PAPERS

Policy and Resources Committee 9 February 2022, Maidstone Borough Council - Proposed Senior Management Structure:

https://maidstone.gov.uk/home/primary-services/council-and-democracy/primary-areas/your-councillors?sq_content_src=%2BdXJsPWh0dHBzJTnBJTJGJTJGbwVldGluZ3MubWFpZHN0b25lLmdvdi51ayUyRmRvY3VtZW50cyUyRmc0NjMxJTJGUHVibGljJTJwcmVwb3J0cyUyMHBhY2sIMjAwOXRoLUZiYi0yMDIyJTJwMTguMzAlMjBQb2xpY3kIMjBhbmQIMjBSZXNvdXJjZXMIMjBDb21taXR0ZWUucGRmJTNGVCUzRDEwJmFsbD0x