

REPORT TO: Council

DATE: 20 May 2026

REPORTING OFFICER: Director Legal and Democratic Services

PORTFOLIO: Corporate Services

SUBJECT: Electoral Matters

WARDS: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To recommend to Council that the statutory duties in relation to Electoral Administration and of the Returning Officer in relation to all Elections and Referenda be assigned to the Chief Executive.

2.0 RECOMMENDATION: That Council appoint the Chief Executive Andrew Donaldson to carry out the Electoral Registration Officer Functions for the registration of Parliamentary and Local Government Electors and the Returning Officer Functions for Parliamentary, Local, Parish, Combined Authority Mayoral, Police & Crime Commissioner Elections and Referenda under all relevant legislation and to act as the Proper Officer for all related functions and relevant legislation with immediate effect.

3.0 BACKGROUND INFORMATION

3.1 This report is brought before Members because Richard Rout, who is the Council's Electoral Registration Officer, Returning Officer, and Proper Officer for electoral purposes, is leaving the Council in June 2026, and also the recent appointment of Andrew Donaldson as Chief Executive.

3.2 In England, every district council is required to appoint "an officer of the Council to be the Electoral Registration Officer for any constituency or part of a constituency situated in the local authority area (Section 8(2), Representation of the People Act 1983)

3.3 Every district council in England shall appoint an officer of the council to be the Returning Officer for the elections of councillors of the district and for the election of any parish councillors in its area (Section 35(1), Representation of the People Act 1983 and Section 35(2), Representation of the People Act 1983).

3.4 Once appointed, the Returning Officer will have a number of subtly different designations dependent upon the type of election as follows:

UK Parliamentary Election - Acting Returning Officer

☐ Section 28(1), Representation of the People Act 1983

Police and Crime Commissioner Election - Local Returning Officer

☐ Section 54(5), Police Reform and Social Responsibility Act 2011

Combined Authority Mayoral Election - Local Returning Officer

☐ Article 5, Combined Authorities (Mayoral Elections) Order 2017

The Returning Officer for district council elections is also responsible as Counting Officer for the administration of any referendum required under the Local Government Act 2000 (as amended) relating to the executive governance of the authority (Regulation 9, Local Authorities (Conduct of Referendums) (England) Regulations 2012)

The Returning Officer for district council or London borough elections is responsible as Counting Officer for the administration of any referendum required under the Town and Country Planning Act 1990 (as amended) relating to neighbourhood planning (Regulation 9, Neighbourhood Planning (Referendums) Regulations 2012)

- 3.5 Deputies can and should be appointed for the Electoral Registration Officer and the Returning Officer. However, unlike the Returning Officer, the Electoral Registration Officer cannot appoint their own deputy unless the power to do so has been delegated to them by the Council.
- 3.6 The current Elections Manager was appointed by the Council as a deputy Electoral Registration Officer on 8 March 2023. She is due to retire from the Council at the end of May 2026 and the incoming Elections Manager will require appointment as a deputy Electoral Registration Officer.
- 3.7 In order to provide maximum flexibility and avoid the necessity of bringing further reports to Council whenever a deputy requires appointment, constitutional amendments have been recommended delegating this power to the Electoral Registration Officer. This is set out further in the report on the Annual Review of the Constitution found elsewhere in this agenda but is mentioned here for completeness.

4.0 POLICY IMPLICATIONS

- 4.1 Legislation requires that the Council appoint an Electoral Registration Officer and Returning Officer

5.0 FINANCIAL IMPLICATIONS

- 5.1 The post of Returning Officer is remunerated and is paid for from the Elections budget in the case of local elections. The Council is reimbursed for other elections.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

None

7.0 RISK ANALYSIS

7.1 There are no risks requiring a separate assessment. Legislation requires that the Council appoints a suitable Electoral Registration Officer and Returning Officer.

8.0 EQUALITY AND DIVERSITY ISSUES

8.1 There are no specific equality & diversity issues arising from this report.

9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

9.1 None under the meaning of the Act.