

Report to Council

Wednesday, 22 February 2023

Chief Executive and Electoral Registration Officer

DECISION REQUIRED



Not Exempt

Appointment of Deputy Electoral Registration Officers

Executive Summary

This report seeks Council's approval to appoint two Deputy Electoral Registration Officers. If appointed, the deputies will be able to perform and exercise duties and powers of the Electoral Registration Officer ("ERO"). Jane Eaton (Chief Executive) is the ERO for Horsham District Council and was formally appointed as such by Council on 9 February 2022.

Recommendations

That Council is recommended:

- (i) To appoint Lauren Kelly (Monitoring Officer) and Aisha Nottage (Elections Manager) to act as Deputy Electoral Registration Officers with immediate effect.

Reasons for Recommendations

To enable the ERO to delegate functions of the role to the two deputies.

To ensure that officers are in place to discharge effectively and efficiently the functions of the ERO at all times and within requisite legislative timeframes.

Background Papers: None

Wards affected: All

Contact: Jane Eaton Chief Executive and Electoral Registration Officer

Background Information

1 Introduction and Background

- 1.1 The report seeks to appoint two Deputy Electoral Registration Officers to ensure that necessary resource is in place to discharge the functions of the ERO. Examples of such functions are listed at paragraph 8.5.
- 1.2 Primarily, the ERO would like to ensure that adequate resource is in place in relation to the newly introduced voter ID requirements.

2 Relevant Council policy

- 2.1 To ensure the effective and efficient discharge of the ERO's functions at all times and within statutory timeframes.

3 Details

- 3.1 The Elections Act 2022 has introduced the requirement for electors to present photographic identification at polling stations for voting at Parliamentary general elections, recall petitions, local elections in England, local referendums in England and Police and Crime Commissioner elections in England and Wales.
- 3.2 Accepted forms of photo identification include, for example, passports and driving licences issued by the UK. Where an individual does not have or does not wish to use one of these accepted forms of photographic ID, they can apply for a Voter Authority Certificate. This is a document containing an elector's name and photograph which can be obtained free of charge from the ERO, following verification of an applicant's identity.
- 3.3 For valid applications made before the deadline, but that are determined and issued after 5pm, 6 working days before an election, a temporary Voter Authority Certificate can be issued, should the ERO be satisfied that the applicant may not receive their permanent Certificate in time for polling day. EROs will have the option to print a temporary Voter Authority Certificate up until 5pm on polling day. This temporary document will be valid only for the relevant polling day and the onus will be on the applicant to collect it from the ERO's office (or other delivery or collection arrangement as agreed with the ERO). This document requires the signature of an ERO, or Deputy ERO.

4 Next Steps

- 4.1 To appoint the two deputies, and these posts will become effective immediately if the recommendation is approved.

5 Views of the Policy Development Advisory Group and Outcome of Consultations

- 5.1 The views of the PDAGs are not considered relevant given it is a statutory requirement that the ERO discharges all relevant functions aligned with that role.

6 Other Courses of Action Considered but Rejected

- 6.1 Not appointing the two deputies was considered but this is not a viable option given the Council will lack the necessary resource to deal with, inter alia, (i) the issue of (temporary) Voter Authority Certificates, and, (ii) applications, appeals and hearings in relation to the electors and absent voter's list, thus, rendering possibly the ERO in breach of statutory functions.

7 Resource Consequences

- 7.1 The staffing resource must therefore be at a level that is both appropriate and sufficient to enable the ERO to deliver what is required of them pursuant to statute especially against the backdrop of the introduction of the voter identification requirements.
- 7.2 There are no adverse resource consequences save that the two deputies will be empowered to assist the ERO to discharge all necessary functions as required.

8 Legal Considerations and Implications

- 8.1 Section 8 of the Representation of the People Act 1983 ("RPA 1983") requires a local authority to appoint an officer of the council as the ERO for the area.
- 8.2 Section 52 of the RPA 1983 provides that any of the duties and powers of the ERO may be performed and exercised by any deputy for the time being approved by the Council which approved the ERO's appointment.
- 8.3 The duties and responsibilities of the ERO are set out in legislation. Further duties can be imposed by a direction of the Secretary of State (section 52 RPA 1983).
- 8.4 These duties include, among other things, (i) maintaining a register of electors, (ii) taking reasonable steps to obtain information for those purposes and to ensure that persons who are entitled to be registered (and no others) are, (iii) conducting an annual electoral registration canvass and giving invitations to register to vote, (iv) taking steps to encourage participation by electors in the electoral process, and, (v) ensuring all those who are eligible and wish to vote are able to do so by administering the Voter Authority Certificate process. (Sections 9 9A, 9D, 9E of the RPA 1983 and regulations 18 and 19 of the Voter Identification Regulations 2022/1382).
- 8.5 If EROs breach their official duty to administer the process in accordance with the legislative provisions, they shall be liable on summary conviction to a fine (section 63 RPA 1983).

9 Risk Assessment

9.1 Failure by the Council to provide sufficient staff and resources to the ERO to fulfil statutory functions could bring about the following risks:

- (i) The ERO being liable on summary conviction to an unlimited fine;
- (ii) Inaccurate and incomplete registers of electors;
- (iii) Legal challenge;
- (iv) Reputational damage to the Council and ERO;
- (v) Failure to deal with electoral registration applications and hearings in a timely manner; and
- (vi) Failure to deal with the issue of Voter Authority Certificates in a timely manner.

9.2 The appointment of the two deputies will provide the resource to ensure statutory compliance with all relevant functions pertaining to the role of ERO.

10 Procurement implications

10.1 There are no procurement implications.

11. Equalities and Human Rights implications / Public Sector Equality Duty

11.1 There are no such implications in relation to the appointment of the two deputies. That said, the ERO and two deputies will ensure that all functions are carried out in accordance with relevant statutory provisions.

12 Environmental Implications

12.1 There are no environmental implications.

13 Other Considerations

13.1 There are no other considerations.