

TO: COUNCIL  
29 APRIL 2015

---

**APPOINTMENT OF RETURNING OFFICER  
Director of Corporate Services – Democratic & Registration Services**

**1 PURPOSE OF REPORT**

- 1.1 The Representation of the People Act 1983 requires the Council to appoint an officer of the Council to be the Returning Officer (RO) for local elections. The Council's Constitution authorises the Chief Executive to act as Returning Officer. Timothy Wheadon has been appointed to this role and has acted as Returning Officer since his appointment. It is considered to be good practice for Council to periodically reaffirm this appointment and the indemnity arrangements.
- 1.2 This report therefore asks Council to reaffirm the appointment of Timothy Wheadon as Returning Officer until further notice, with authority to act in respect of all related electoral, poll or referendum duties, including but not limited to, elections to the UK Parliament, European Parliament, Police and Crime Commissioner, national polls and regional polls or referenda.

**2 RECOMMENDATIONS**

- 2.1 **That Council reaffirms the appointment of Timothy Wheadon as the Returning Officer for all local elections, including parish and town councils, with authority to act in that capacity for all related electoral poll or referendum duties.**
- 2.2 **That Council confirms that insurance will be taken out and maintained in relation to the conduct of local authority elections and polls and all other electoral duties where the Council is entitled by law to do so, indemnifying the Returning Officer and the Council against legal expenses reasonably incurred.**
- 2.3 **That in the event of such insurance carrying an 'excess' clause the Council will indemnify the Returning Officer up to the value of such an excess.**
- 2.4 **That Council notes that the Cabinet Office has indemnified Returning Officers and Acting Returning Officers at the forthcoming UK Parliamentary elections.**

**3 REASONS FOR RECOMMENDATIONS**

- 3.1 The Council's constitution authorises the Chief Executive to act as Returning Officer. This report confirms that Timothy Wheadon is appointed to this role and that he and the Council are indemnified for legal expenses arising from a legal challenge.

**4 ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 None as the Council has a statutory duty to appoint an officer to be the RO.

## **5 SUPPORTING INFORMATION**

### **Appointments**

- 5.1 Elections are categorised as either 'local' (i.e. borough, parish, town council) or 'parliamentary' (i.e. Westminster and European).
- 5.2 The Council appoints an RO for local elections. Although the RO is an officer of the Council, the role is a personal responsibility, independent and separate from their duties as a Council employee. Responsibility for other local, regional and national polls may also arise from this appointment.
- 5.3 The Council's Electoral Registration Officer (ERO) is the Acting Returning Officer (ARO) for parliamentary elections. The Council has also appointed the Chief Executive as the ERO. The RO is the High Sheriff but this is a ceremonial role confined to the optional duties of receiving and returning the writ and declaring the result.
- 5.4 In relation to national referenda, legislation will provide for a person to be responsible for declaring the overall result, usually the Chief Counting Officer. Regulations will also provide for counting officers for each constituent organising area for the referendum who will have responsibility for the conduct of the poll.
- 5.5 In relation to both European Parliamentary and Police and Crime Commissioner Elections the local ROs are the ROs for the local council elections in those areas within the relevant region.
- 5.6 The RO for local elections is also designated as the Counting Officer for Neighbourhood Planning Referenda. Where there are two or more relevant councils any of whose areas fall within the referendum area, the Council with the larger number of local government electors registered in the referendum area, or whichever Council they agree between them, must appoint a Chief Counting Officer. That person may give directions to the other Counting Officers.
- 5.7 An RO, or ARO, should always appoint at least one deputy. This is a personal, not Council, appointment and should be specific to each election.

### **Insurance**

- 5.8 The Council maintains insurance indemnifying the Council and RO against legal expenses reasonably incurred in connection with the defence of any proceedings brought against the Council or the RO and/or the cost of holding another election in the event of the original elections being declared invalid. In the event of such an insurance carrying an excess clause by which an initial portion of risk is not insured, the Council is asked to indemnify the RO up to the value of such an excess.

## **6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS**

### **Borough Solicitor**

- 6.1 Nothing to add to the report.

Borough Treasurer

6.2 Nothing to add to the report.

Equalities Impact Assessment

6.3 There are no specific issues arising from this report.

Strategic Risk Management Issues

6.4 Failure to appoint a Returning Officer could lead to the Council being challenged for failing to meet its statutory duties.

Other Officers

6.5 None

**7 CONSULTATION**

Principal Groups Consulted

7.1 None

Method of Consultation

7.2 Not applicable

Representations Received

7.3 Not applicable

Background Papers

None

Contact for further information

Ann Moore, Democratic & Registration Services - 01344 352260  
ann.moore@bracknell-forest.gov.uk