

Subject:	Appointment of Deputy Electoral Registration Officers		
Date of Meeting:	21 January 2021		
Report of:	Executive Lead for Strategy, Governance & Law (Monitoring Officer)		
Contact Officer:	Name:	Michael Appleford	Tel: 01273 291997
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Ward(s) affected:	All		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 This report deals with the appointment of Deputy Electoral Registration Officers (DEROs) within Brighton & Hove. If appointed, DEROs are able to perform and exercise any of the duties and powers of the Electoral Registration Officer (ERO). The Chief Executive is appointed as the ERO for Brighton & Hove.
- 1.2 Electoral Commission guidance recommends that one or more DERO(s) be appointed to undertake quasi-judicial procedures, such as hearings of registration applications, objections and reviews.

2. RECOMMENDATIONS:

- 2.1 That the Committee formally appoints the Monitoring Officer and the Electoral Services & Local Land Charges Manager for the time being to act as Deputy Electoral Registration Officers.
- 2.2 That the Committee delegates the power to the Electoral Registration Officer to appoint one or more Deputy Electoral Registration Officers and revoke or vary such appointments from time to time.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 Under Section 8(2) of the Representation of the People Act 1983, the Council must appoint an Officer to the position of ERO. This position is responsible for maintaining the Electoral Register for the area. The Chief Executive is the appointed ERO for Brighton & Hove.
- 3.2 Under the system of Individual Electoral Registration (IER) - there is scope for disputes about a registration application to move to a hearing. These could be an appeal against a decision to reject an application to register, an objection by an elector in the area to a person's registration or a request for a hearing following a review whose outcome the elector disagrees with. The hearing is quasi-judicial in nature and there are statutory provisions regarding the timetable. Following a

hearing any appeal is to the county court. The hearing must be conducted by the ERO or a properly appointed deputy with full powers to act.

- 3.3 Under Section 52(2) of the Representation of the People Act 1983, the Council may approve the appointment of DEROs to perform and exercise any of the duties and powers of the ERO.
- 3.4 In accordance with Electoral Commission guidance, and to ensure that there is an officer available to discharge these functions, it would be prudent to make arrangements for the ERO to be able to delegate their powers and duties. This would ensure that if it became necessary to hold a hearing it could be dealt with efficiently and effectively without unreasonable delay.
- 3.5 It is therefore recommended that the ERO is given delegated authority to appoint other Council Officers as their deputy.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The alternative way of appointing a DERO would be for each appointment to be agreed at a Policy & Resources Committee. This would be a slower appointment process that may inhibit the ERO from undertaking their duties within the legislative timetables required.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 As this is a statutory appointment, no specific consultation has been undertaken in relation to this report

6. CONCLUSION

- 6.1 The Council is legally required to appoint an ERO who has responsibility for electoral registration administration in Brighton & Hove. The Council can also appoint DEROs to ensure that the ERO is able to administer their duties – and this is recommended by the Electoral Commission.
- 6.2 Providing the ERO with delegated authority to appoint their own deputies will ensure that officers are in place to discharge functions at all times. Therefore ensuring that any duties can be performed in line with legislative timelines and in an effective and efficient manner.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The recommendations in this report will not have material financial implications for the council. Any costs associated with potential appointments of DEROs are expected to be met within existing resources.

Finance Officer Consulted: Name Peter Francis

Date: 11/12/2020

Legal Implications:

- 7.2 The Council is legally required only to appoint an Electoral Registration Officer. However in order to ensure the effective discharge of the powers and duties of the role, one or more DEROs may – pursuant to section 52(2) of the Representation of the People Act 1983, and following Election Commission guidance – be appointed following Council approval. This report meets legal requirements by approving the appointment of one or more DERO(s) in principle and by giving the ERO delegated authority to make such appointment from time to time to one or more officer(s) of the council.
- 7.3 Policy & Resources Committee is the correct Committee to make this decision, having delegated responsibility for relevant functions.

Lawyer Consulted:

Name Victoria Simpson

Date: 11/12/2020

Equalities Implications:

- 7.4 There are no direct equalities implications arising from this report.

Sustainability Implications:

- 7.5 There are no sustainability implications arising from this report.

