

3 BACKGROUND

- 3.1 Section 8 Representation of the People Act 1983 requires there to be an electoral registration officer responsible for the registration of electors and that a London borough Council shall appoint an officer of the Council to be that registration officer. The Council has appointed the Chief Executive.

4 NEW DUTIES AND RESPONSIBILITIES

- 4.1 The Electoral Administration Act 2006 and subsequent regulations have introduced a duty for the electoral registration officer to take the necessary steps to maintain an accurate and complete electoral register. Not only is there a need to ensure every person who is entitled to be registered has an entry, but there is also a duty to remove entries from the register for those electors who are no longer eligible.
- 4.2 The Act has introduced two new or significantly changed systems for removing entries from the electoral register. The first, objection, has been amended so that it is now allowed at any time. The second, review, allows the electoral registration officer to decide if a particular entry in the register should remain or if the elector is no longer eligible to be on the register.
- 4.3 The Regulations provide a detailed process for the determination of objections. In certain circumstances the electoral registration officer may determine objections, but other objections can only be determined following a hearing conducted by the electoral registration officer. There are strict time limits within which hearings and subsequent determinations must take place, and these are within days rather than weeks.
- 4.4 The review procedure may lead the electoral registration officer to serve on an elector a notice that he believes the person is not entitled to be registered and this may result in the elector requesting a hearing. Alternatively an electoral registration officer may decide to go directly to a hearing where it would be more practicable to have a hearing to decide the matter than to conduct a review by post. The time limit for such hearing is somewhat more relaxed than in the case of an objection but nevertheless needs to be determined in a timely manner.
- 4.5 At present the volume of objections which may be received is unknown, but in any event given the short time scale involved in convening hearings, it is unlikely that the electoral registration officer will be able to preside personally due to other commitments, and another officer should be authorised to act for him.
- 4.6 The hearings are quasi-judicial proceedings with an appeal to the County Court and the Electoral Commission considers that it would be inappropriate to delegate these duties to an officer who is not appointed by the Council either as electoral registration officer or deputy electoral registration officer.
- 4.7 Accordingly it would be appropriate to appoint a deputy electoral registration officer with authority to deputise for the electoral registration officer in relation to the whole of the former's duties. As the procedures carry legal consequences, the appropriate officer to undertake these responsibilities is the Assistant Chief Executive (Legal Services) and it is so recommended.

5 COMMENTS OF THE CHIEF FINANCIAL OFFICER

5.1 There are no financial implications arising from this report.

6 CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

6.1 The relevant legal consideration are incorporated in the body of the report.

7 EQUAL OPPORTUNITIES IMPLICATIONS

7.1 None.

8 ANTI POVERTY IMPLICATIONS

8.1 None.

9 SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT (SAGE)

9.1 None.

10 RISK MANAGEMENT IMPLICATIONS

10.1 This proposal is designed to ensure that the electoral registration officer fulfils all statutory requirements of the function. Failure to appoint a deputy would place the electoral registration officer and the Council at risk of breach of statutory duty if all the responsibilities could not be fulfilled in accordance with statutory deadlines.