

**Report by the Head of Corporate and Legal Services**

**Appointment of Returning Officer for Adur District Council**

**1.0 Summary**

- 1.1 The appointment of a Returning Officer for various elections is a statutory post under the Representation of the People Act 1983.
- 1.2 The appointment of an Electoral Registration Officer is also a necessary appointment.
- 1.3 Both of these appointments must be made by Council.
- 1.4 This report deals with these appointments following the appointment of the Joint Chief Executive from 1 September 2007.

**2.0 Recommendation**

- 2.1 That Ian Lowie be confirmed as the Returning Officer for Adur District Council.
- 2.2 That if 2.1 is agreed then Ian Lowie is also confirmed as the Electoral Registration Officer for the Authority.

**3.0 Background**

- 3.1 The Representation of the People Act 1983, Section 35(1) requires that every district council is required to appoint an Officer to the Council to be the Returning Officer for the elections of district and parish councillors.
- 3.2 The appointed Returning Officer then becomes the Acting Returning Officer (ARO) for Parliamentary elections, Deputy Returning Officer (DRO) for Council elections and the Local Returning Officer (LRO) for European Parliamentary elections.
- 3.3 It is not a requirement that a Council's Chief Executive be appointed the Returning Officer, however Mr Lowrie has indicated he is willing to continue this role for Adur District Council since his appointment as the Joint Adur and Worthing Chief Executive. It is a personal appointment by the Council, with the positions of deputy returning officer being granted by the appointed Returning Officer.
- 3.4 The appointment of Returning Officer for Worthing Borough Council is a separate matter, and one for that Council.
- 3.5 It follows, but is not a legal requirement, that the Returning Officer is also Electoral Registration Officer. This is usually onwardly delegated to the Elections Officer to act for the Council on a daily basis.

## **4.0 Recommendation**

- 4.1 To ensure that the position of Adur District Council in relation to election provision and management is secure and not open to challenge in an election court, it is recommended that Council confirm the appointment of Mr Lowrie as Returning Officer for Adur District Council.

## **Local Government Act 1972**

### **Background Papers:**

Representation of People Act 1983, Section 35(1)

### **Contact Officer:**

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## **Appendix**

### **1.0 Council Priority**

- 1.1 This is a statutory appointment.

### **2.0 Specific Targets**

- 2.1 The report does not seek to meet any specific targets.

### **3.0 Sustainability Issues**

- 3.1 Matter considered and no issues identified.

### **4.0 Equality Issues**

- 4.1 Matter considered and no issues identified.

### **5.0 Community Safety issues (Section 17)**

- 5.1 Matter considered and no issues identified.

### **6.0 Human Rights Issues**

- 6.1 Matter considered and no issues identified.

### **7.0 Financial Implications**

- 7.1 There are no specific financial implications arising from this report.

### **8.0 Legal Implications**

- 8.1 The Representation of Peoples Act 1983, Section 35(1) requires the appointment of an officer to be Returning Officer for elections of district and parish councillors. The next district and parish elections are in May 2008.

## **9.0 Consultations**

9.1 Matter considered and no issues identified.

## **10.0 Risk assessment**

10.1 Matters considered, this is a statutory personal appointment. Once appointed insurance for all elections can be confirmed.

## **11.0 Health & Safety Issues**

11.1 Matters considered and no issues identified.

## **12.0 Procurement Strategy**

12.1 Matters considered and no issues identified.

## **13.0 Partnership working**

13.1 Worthing Borough Council can make its own appointment to the position of Returning Officer.