

# CHESHIRE EAST COUNCIL

## Council

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<b>Date of Meeting:</b>	10 April 2014
<b>Report of:</b>	Electoral Registration Officer
<b>Subject/Title:</b>	Designation of Deputy Electoral Registration Officer

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### **1.0 Purpose of Report**

- 1.1 To seek Council's approval to the designation of the Head of Governance and Democratic Services as the Council's Deputy Electoral Registration Officer.

### **2.0 Recommendation**

That Council designate the Head of Governance and Democratic Services as its Deputy Electoral Registration Officer, with the full powers of the Electoral Registration Officer.

### **3.0 Wards Affected**

- 3.1 Not applicable

### **4.0 Local Ward Members**

- 4.1 Not applicable

### **5.0 Policy Implications**

- 5.1 Not applicable

### **6.0 Financial Implications**

- 6.1 No financial implications would appear to arise from the recommendations of this report.

### **7.0 Legal Implications**

- 7.1 Council can approve a Deputy Electoral Registration Officer (DERO) under section 52(2) of the Representation of the People Act 1983 as amended. The Electoral Registration Officer (ERO) cannot appoint a deputy himself, this function rests with Council. By virtue of S52(3) RPA 1983 set out below the Proper Officer could step in to the role in the event of incapacity or vacancy of the role only. This does not assist the Council as the Chief Executive is both the ERO and the Proper Officer.

Section 52(2) and 52(3) RPA 1983 state:

(2) Any of the duties and powers of a registration officer may be performed and exercised by any deputy for the time being approved, by the council which appointed the registration officer, and the provisions of this Act apply to any such deputy so far as respects any duties or powers to be performed or exercised by him as they apply to the registration officer.

(3) In England and Wales, any acts authorised or required to be done by or with respect to the registration officer may, in the event of his incapacity to act or of a vacancy, be done by the proper officer of the council by or with respect to whom the registration officer was appointed.

With the increased demands of Individual Electoral Registration it would be prudent to appoint a DERO.

## **8.0 Risk Assessment**

- 8.1 The Council's Electoral Registration Officer would need to personally carry out all statutory electoral registration duties and exercise all statutory electoral registration powers unless the Council designates an officer to the role of Deputy.

## **9.0 Background and Options**

- 9.1 Unless local authorities require their EROs to personally discharge formal electoral registration duties, it is a requirement that they have a DERO. Section 52(2) of the Representation of the People Act 1983 makes provision for the appointment of a DERO.
- 9.2 Council is recommended to formally designate the Head of Governance and Democratic Services as the Council's Deputy Electoral Registration Officer. Under the designation, the designated officer will be responsible for deputising for the Electoral Registration Officer (the Chief Executive) in respect of all electoral registration matters, including the maintaining of the register of parliamentary and local government electors.
- 9.3 There is now increased focus on electoral registration duties, given the forthcoming introduction of Individual Electoral Registration (IER) and the expected increase in related work. For example, it is expected that there will be much more activity around the need to review whether individuals should be included on the register when IER is introduced. It would be appropriate for Council to authorise a DERO to undertake this work, rather than requiring the Electoral Registration Officer to do so in every case.

## **10.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

Name: Mike Suarez  
Designation: Electoral Registration Officer  
Tel No: 01270 686010  
Email: [mike.suarez@cheshireeast.gov.uk](mailto:mike.suarez@cheshireeast.gov.uk)