

REPORT OF THE CITY SOLICITOR

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TO  
COUNCIL

ON  
17<sup>th</sup> MARCH 2021

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TITLE: Appointment of an Electoral Registration Officer and Returning Officers and Associated Electoral Matters

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RECOMMENDATIONS:

The Council is recommended to:

1. Appoint Tom Stannard as the Electoral Registration Officer for Salford.
  2. Appoint Tom Stannard as the Returning Officer for the elections of councillors of the district of Salford and for elections of councillors of parishes within the district.
  3. Appoint Tom Stannard as the Returning Officer for the district of Salford for the election of a Greater Manchester Combined Authority mayor.
  4. Delegate to the Chief Executive the power to appoint Deputy Electoral Registration Officers.
  5. Delegate to the Chief Executive the power to make, where necessary, alterations to the designation of any polling place prior to the Council's next full review of polling districts and polling places, in consultation with relevant ward councillors, the City Mayor and group leaders, and the Chair of the Electoral Matters Committee.
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EXECUTIVE SUMMARY:

The purpose of this report is to propose that the Council confirm the appointment of Tom Stannard as Electoral Registration Officer for Salford, Returning Officer for the election of councillors for Salford and Returning Officer for the district of Salford for elections of a Greater Manchester Combined Authority mayor.

The report further proposes that delegations be made to the Chief Executive authorising him to make:

- appointments of Deputy Electoral Registration Officers;
  - where necessary, alterations to the designation of any polling place prior to the Council's next full review of polling districts and polling places, in consultation with relevant ward councillors, the City Mayor and group leaders and the Chair of the Electoral Matters Committee.
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BACKGROUND DOCUMENTS: None

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KEY DECISION: No

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DETAILS:

## **1. Background**

- 1.1 The Council is required to make appointments to a number of statutory offices relating to the conduct of the electoral process. The individuals appointed to these offices hold personal legal responsibilities separate from their responsibilities as Council officers. Consequently, notwithstanding certain references in the Council's Constitution identifying certain of these posts as being associated with the Council's Chief Executive, it is considered that the relevant appointments should be explicitly made to named officers rather than being taken to automatically attach to any particular officer post within the authority.
- 1.2 This report concerns the appointment of:
- an Electoral Registration Officer for Salford;
  - a Returning Officer for the elections of councillors of the district of Salford (and for elections of councillors of parishes within the district); and
  - a Returning Officer for the district of Salford for the election of a Greater Manchester Combined Authority ("GMCA") mayor.
- 1.3 This report also concerns the delegation to the Chief Executive of certain Council functions relating to the appointment of Deputy Electoral Registration Officers and the designation of polling places.

## **2. Appointment of an Electoral Registration Officer**

- 2.1 Section 8(2) of the Representation of the People Act 1983 (“the RPA 1983”) requires that the Council “appoint an officer of the council to be registration officer for any constituency or part of a constituency conterminous with or situated in the district”. Under the Council’s Constitution the Electoral Matters Committee is delegated the power to appoint Salford’s Electoral Registration Officer. However, this does not prevent the Council from making the appointment itself.
- 2.2 Tom Stannard joined the Council as Chief Executive on 1 February 2021. The Council is recommended to appoint him as the Electoral Registration Officer for Salford.
- 2.3 It is to be noted that the officer appointed as Salford’s Electoral Registration Officer will automatically, by virtue of section 28(1)(a) of the RPA 1983, be the Acting Returning Officer for the election of Members of Parliament for the Salford & Eccles and Worsley & Eccles South parliamentary constituencies.

## **3. Appointment of a Returning Officer for the elections of councillors of the district of Salford (and for elections of councillors of parishes within the district)**

- 3.1 Section 35(1) of the RPA 1983 requires that the Council “appoint an officer of the council to be the returning officer for the elections of councillors of the district and an officer of the council to be the returning officer for elections of councillors of parishes within the district”. Under the Council’s Constitution the Electoral Matters Committee is delegated the power to appoint a Registration Officer for these purposes. However, this does not prevent Council from making the appointment itself.
- 3.2 The Council is recommended to appoint Tom Stannard as the Returning Officer for the elections of councillors of the district of Salford and for elections of councillors of parishes within the district (albeit that there are currently no parish councils within the district of Salford).
- 3.3 It is to be noted that the officer appointed as Salford’s Returning Officer for the election of councillors of the district will automatically, by virtue of the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007, be the Returning Officer for the election of a City Mayor for Salford City Council.

## **4. Appointment of a Returning Officer for the district of Salford for the election of a Greater Manchester Combined Authority mayor**

- 4.1 The administrative model adopted for the GMCA mayoral election involves a Returning Officer (colloquially referred to as a “Local Returning Officer”) at district level for each of the ten constituent councils of the GMCA, with a Combined Authority Returning Officer (“CARO”) overseeing the election on a Greater Manchester basis.

4.2 The conduct of the GMCA mayoral election is governed by The Combined Authorities (Mayoral Elections) Order 2017. It provides that Section 35 of the RPA 1983 is modified so as to insert a new Subsection 35(2D) which provides that: “each constituent council shall appoint an officer of the council to be the returning officer for the election of a combined authority mayor.” This wording indicates that there should be a separate appointment of Local Returning Officers by the constituent councils for the purposes of the GMCA mayoral election.

4.3 The Council is recommended to appoint Tom Stannard as the as the Returning Officer for the district of Salford for the election of a Greater Manchester Combined Authority mayor.

## **5. Delegation to the Chief Executive in relation to the appointment of Deputy Electoral Registration Officers**

5.1 While Returning Officers have the power to appoint their own deputies, the power to appoint Deputy Electoral Registration Officers rests with the Council (under Section 52(2) of the RPA 1983) rather than with the Electoral Registration Officer. This might be considered anomalous given that the role of Electoral Registration Officer is, like that of a Returning Officer, a statutory role distinct from the appointed officer’s role as a Council officer.

5.2 There are certain registration matters that should only be conducted by the Electoral Registration Officer personally or by their formally appointed deputy, such as registration hearings. To assist the Electoral Registration Officer with the effective conduct of their duties it is proposed that the power to appoint Deputy Electoral Registration Officers is delegated to the Chief Executive.

## **6. Delegation to the Chief Executive in relation to designation of polling places**

6.1 The Electoral Administration and Registration Act 2013 requires the Council to undertake a “compulsory” review of parliamentary polling districts and polling places every 5 years; the Council may also undertake a discretionary “interim” review at other times. Also, in practice any review of parliamentary polling districts and polling places (whether “compulsory” or “interim”) is likely to be accompanied by a review of the associated arrangements applying at local elections. An Appendix is attached to this report defining some of the key terminology applying to polling district and polling place reviews.

6.2 The Council undertook its last review of parliamentary polling districts and polling places, combined with a review of the associated local election arrangements, in Summer/Autumn 2019. The review of polling districts and polling places took into account the changes to some of the Council’s ward boundaries arising from the last Local Government Boundary Commission for England’s (LGBCE) Electoral Review of Salford.

6.3 As the Council is only required to undertake a compulsory review every five years it is likely that some changes to polling districts or polling places will be

required outside of the cycle of compulsory reviews. An interim review, with a focused scope, can be used to deal with such situations.

- 6.4 On occasion, it may be necessary to change the designation of a polling place outside of the statutory review process or the timetable for a meeting of the Electoral Matters Committee or the Council. This usually occurs as a result of premises being closed or unexpectedly becoming unavailable, often at short notice, or if an unscheduled or early poll takes place. The likelihood of premises becoming unavailable at short notice is increased within the context of the current COVID-19 pandemic.
- 6.5 It is proposed that authority is delegated to the Chief Executive to make, where necessary, alterations to the designation of any polling place, in consultation with relevant ward councillors, the City Mayor and group leaders, and the Chair of the Electoral Matters Committee.

## **7. Recommendations**

- 7.1 The recommendations to the Council are set out at the beginning of this report.

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KEY COUNCIL POLICIES: N/A

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EQUALITY IMPACT ASSESSMENT AND IMPLICATIONS:N/A

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ASSESSMENT OF RISK: LOW

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LEGAL IMPLICATIONS Supplied by: Shared Legal Service

The Council is required to make appointments to a number of statutory offices relating to the conduct of the electoral process, namely:

- an Electoral Registration Officer for Salford;
- a Returning Officer for the elections of councillors of the district of Salford (and for elections of councillors of parishes within the district); and
- a Returning Officer for the district of Salford for the election of a Greater Manchester Combined Authority mayor.

The individual(s) appointed to these offices hold personal legal responsibilities separate from their responsibilities as Council officers. It is therefore considered that the relevant appointments should be explicitly made to named officers rather than being taken to automatically attach to any particular officer post within the authority.

The Council has responsibility for the review of polling districts and polling places. On occasion, it may be necessary to change the designation of a polling place outside of the statutory review process or the timetable for a meeting of the Electoral Matters Committee or the Council. To allow changes to polling places to be properly made in such circumstances, a delegation to the Chief Executive is proposed.

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FINANCIAL IMPLICATIONS Supplied by: N/A

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PROCUREMENT IMPLICATIONS Supplied by: N/A

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HR IMPLICATIONS Supplied by: N/A

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CLIMATE CHANGE IMPLICATIONS Supplied by: N/A

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OTHER DIRECTORATES CONSULTED:

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CONTACT OFFICER: Sian Roxborough TEL NO:

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WARDS TO WHICH REPORT RELATES: All

## **Appendix – Key Terminology Relating to Polling Districts and Polling Places**

**Ward:** one of the 20 electoral areas into which the Salford City Council local authority area is divided for the purposes of electing councillors.

**Polling district:** the geographical area created by the division of a parliamentary constituency or Council ward into smaller parts, within which a polling place can be determined, which is convenient to electors. In Salford, each ward is divided into a number of polling districts.

**Polling place:** is the building or area in which the polling station(s) will be sited by the Returning Officer.

**Polling station:** the room where the poll takes place (e.g. community room), which must be located within the polling place. The location of the polling station within the polling place is chosen by the Returning Officer.

Where possible, every polling district should have its own dedicated polling place and all electors in that polling district are assigned to vote at the polling station located in that place. However, it is possible to have a polling place based in an adjacent polling district where circumstances determine this is the best option.

It should be noted that the terms ‘polling place’ and ‘polling station’ are often used interchangeably and most people consider the polling place (such as a community centre) to be the polling station. However, it is possible to have a double polling station in a polling place (e.g. two sets of staff, utilising separate ballot boxes and electoral registers). Double stations exist where electors may be coming from two different polling districts/wards, in polling districts where there are a large number of electors in person or where there is high turnout expected.