



Title	Appointment of Electoral Registration Officer and Returning Officer
Purpose of the report	To make a decision
Report status	Public report
Executive Director/ Statutory Officer Commissioning Report	Jayne La Grua, Assistant Director of Legal & Democratic Services and Monitoring Officer
Report author	Simon Hill, Acting Democratic Services Manager
Lead Councillor	Cllr Liz Terry, Leader of the Council
Council priority	Ensure Reading Borough Council is fit for the future
Recommendations	<p>It is recommended that Council:</p> <p>(1) Approve the appointment of Louise Duffield, Executive Director of Resources, as Electoral Registration Officer and Returning Officer; and</p> <p>(2) Authorise the Monitoring Officer to make the consequential amendments to the Council's Constitution set out in the Appendix to this report.</p>

1. Executive Summary

- 1.1. Personnel Committee on 20 November 2025 considered a report outlining the arrangements to follow the departure of Michael Graham, Assistant Director of Legal and Democratic Services, in December 2025. The post incorporated the statutory roles of Electoral Registration Officer and Returning Officer. Pursuant to the Council's Constitution, the Electoral Registration Officer and Returning Officer roles must be appointed by Full Council.
- 1.2. At its meeting on 20 November 2025, Personnel Committee made a recommendation to Council to appoint the Executive Director of Resources as Electoral Registration Officer and Returning Officer.
- 1.3. If the recommendation is approved, consequential amendments will need to be made to the Council's Constitution to reflect the changes. The proposed amendments are set out in the Appendix to this report.

2. Policy Context

- 2.1. The statutory officer roles of Electoral Registration Officer and Returning Officer are currently assigned to the Assistant Director of Legal and Democratic Services by Council, through the Constitution. The proposed change to this arrangement therefore requires formal approval at a Council meeting.

3. The Proposal

- 3.1. Following the previous postholder's departure from the Council in December 2025, the post of Assistant Director of Legal and Democratic Services is filled by an interim officer

pending permanent recruitment. Recruitment for a permanent replacement will begin in early 2026.

- 3.2. However, with local elections scheduled for May 2026, it was not considered appropriate for them to be managed by an interim officer, and therefore Personnel Committee were asked to recommend that the Electoral Registration Officer and Returning Officer roles be reallocated to Louise Duffield, the Executive Director of Resources. This was agreed at their meeting on 20 November 2025.
- 3.3. It is essential for the Council to have both an Electoral Registration Officer and Returning Officer in place to ensure the smooth running of electoral processes and uphold democratic integrity. These statutory roles are crucial for overseeing the organisation of elections, maintaining accurate electoral registers, and guaranteeing that all legal requirements are met.
- 3.4. The Executive Director of Resources has experience of managing local elections and has undertaken relevant training.
- 3.5. The Council can revisit the permanent arrangements for elections, should it wish to, once it has recruited to the substantive Assistant Director of Legal and Democratic Services post.

4. Contribution to Strategic Aims

- 4.1. The statutory officer roles discussed in the report contribute to meeting the priorities set out in the Council Plan by facilitating the participation of residents in local democracy.

5. Environmental and Climate Implications

- 5.1. There are no environmental or climate implications arising from this report.

6. Community Engagement

- 6.1. There is no requirement for consultation or community engagement for this matter.

7. Equality Implications

- 7.1. Under Section 149 of the Equality Act 2010 (the Public Sector Equality Duty) a public authority must, in the exercise of its functions, have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 7.2. An Equality Impact Assessment (EIA) is not relevant to this decision.

- 7.3. The Returning Officer has personal responsibility for the conduct of local government elections, including consideration of accessibility for voters at polling stations and the postal voting procedure.

8. Other Relevant Considerations

- 8.1. There are no other relevant considerations to report.

9. Legal Implications

Appointment of Returning Officer and Electoral Registration Officer

- 9.3. Section 8 of the Representation of the People Act 1983 ('RPA') places a duty on the Council to appoint an Electoral Registration Officer responsible for compiling and maintaining the register of electors for the Council's administrative area.

- 9.4 Section 35 of the same Act places a duty on the Council to appoint a Returning Officer for the election of councillors to their local authority. The Returning Officer's role is to ensure that the election is administered effectively and in accordance with the law.
- 9.5 The Returning Officer and the Electoral Registration Officer may be the same person, and in practice these are usually combined functions. The Returning Officer / Electoral Registration Officer should be a senior officer who has undertaken relevant training.
- 9.6 The appointment of an Electoral Registration Officer and Returning Officer for Local Government elections is a power reserved to the Council and which has not been delegated to any committee or officer of the Council (see paragraphs (30) and (31) of Part 3.1 of the Council's Constitution). Accordingly, this decision requires the approval of Council.
- 9.7 Whilst appointed by the Council, the role of the Returning Officer is one which involves and incurs personal responsibility and accountability and is statutorily separate from their duties as an employee of the Council. As Returning Officer, they are paid a separate allowance for each election for which they are responsible.
- 9.8 As the Returning Officer is personally liable for the conduct of an election, it is essential that the Council ensures there is adequate insurance cover in place in the event of any challenge to the election and a claim against the insurance policy.
- 9.9 The Returning Officer may appoint one or more Deputy Returning Officers.

Consequential Amendments to the Council's Constitution

- 9.10 The Council's Constitution makes provision for the appointment of Proper Officers for various statutory functions and the delegation of certain responsibilities to officers. These will need to be amended to reflect the transfer of responsibility for functions related to the conduct of elections from the Assistant Director of Legal and Democratic Services to the Executive Director of Resources.
- 9.11 The proposed amendments are set out in the Appendix to this report. If approved, Council is asked to authorise the Interim Monitoring Officer to make these amendments and arrange for their publication on the Council's website.

10 Financial Implications

- 1.1 There are no financial implications, as no changes are proposed to the currently agreed approach. The current payment and funding arrangements will continue, with the payments made to the Executive Director of Resource and funded directly by the Elections Budgets. The current payment and funding arrangements will continue, with the payments made to the Executive Director of Resource and funded directly by the Elections Budgets.

10 Timetable for Implementation

- 10.1 The Executive Director of Resources has had direct managerial responsibility for Elections since the departure of the previous Assistant Director of Legal and Democratic Services Officer in December. This report seeks to formalise the statutory appointments.

11 Background Papers

- 11.1 There are none.

APPENDIX: CONSEQUENTIAL AMENDMENTS TO THE CONSTITUTION

* proposed amendments are shown in red.

Part 3 - Responsibility for Functions – Terms of Reference of Council, Committees and Delegations to Officers

1. Council Responsibilities

[...]

Functions Relating to Elections and the Name and Status of Areas and Individuals

- (28) To change the name of the council or its wards under Section 74 of the Local Government Act 1972;
- (29) To confer the title of Freedom of the Borough and Honorary Alderman under Section 249 of the Local Government Act 1972;
- (30) To appoint an electoral registration officer under Section 8(2) of the Representation of the People Act 1983;
- (31) To appoint a returning officer for Local Government elections under Section 35 of the Representation of the People Act 1983;
- (32) To divide constituencies into polling districts under Section 18 of the Representation of the People Act 1983;
- (33) To divide wards and parliamentary constituencies into polling districts at local government elections under Section 31 of the Representation of the People Act 1983;
- (34) To declare vacancy in office in certain cases under Section 86 of the Local Government Act 1972;
- (35) To submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000 under Section 10 of the Representation of the People Act 2000;
- (36) To decide whether to carry out governance and/or electoral reviews.

[Note. The balance of the electoral functions are delegated to the Returning Officer/Electoral Registration Officer which is ~~the Assistant Director of Legal and Democratic Services~~ Executive Director of Resources. These include (but are not limited to):

- To assign officers in relation to requisitions of the registration officer under Section 52(4) of the Representation of the People Act 1983;
- To exercise all powers in respect of holding of elections under Section 39(4) of the Representation of the People Act 1983;
- To pay expenses properly incurred by electoral registration officers under Section 54 of the Representation of the People Act 1983;
- To give public notice of a casual vacancy.

[...]

7. Officer Scheme of Delegation of Functions

[...]

6. Proper Officer Appointments

6.1 The following table, subject to 2 and 3 below, sets out the proper officer appointments of the Council.

[...]

Legislation	Responsibility	Proper Officer
Representation of the People Act 1983 And Section 87 of the Local Government Act 1972¹	With the exception of powers reserved to the Council as set out in Article 4, to exercise the Council's powers and duties in relation to electoral registration and local and parliamentary elections.	AD of Legal and Democratic Services <u>Executive Director of Resources</u>

7. Statutory Officers

Legislation	Function	Officer
Sections 8 and 35 ² , Representation of the People Act 1983	Electoral Registration Officer	Assistant Director of Legal & Democratic Services <u>Executive Director of Resources</u>
S24(3) Section 35³ , Representation of the People Act 1983	Returning Officer / <u>Acting Returning Officer</u>	Assistant Director of Legal & Democratic Services <u>Executive Director of Resources</u>

¹ Reference to section 87 of the Local Government Act 1972 here is a drafting slip. This section makes provision for determining the date upon which the occurrence of a casual vacancy is to be determined.

² Reference to section 35 of the Representation of the People Act 1983 (RPA) here is a drafting slip. Section 35 deals with the appointment of a Returning Officer for local elections and is dealt with in the following provision.

³ Reference to section 24(3) of the RPA here is a drafting slip. Section 35 of the Act deals with the appointment of a Returning Officer for Local Elections. Section 24 makes provision for the conduct of parliamentary elections. At a parliamentary election, the Returning Officer (RO) is a largely ceremonial position. Most duties of the RO are discharged by the (Acting) Returning Officer ((A)RO). The (A)RO for Reading Central Borough is the ERO. The (A)RO for parliamentary constituencies which cross local government administrative areas (including Reading West and Mid Berkshire and Earley and Woodley) is designated by an order made by the Secretary of State under s.28 of the RPA.