1.  Matter for Council

1.1 To appoint the Legal and Democratic Services Manager as the Deputy Electoral Registration Officer to undertake hearings after a person has been advised that they are not eligible to be registered in the following circumstances and have requested a Hearing:

- The person was not entitled to be registered in respect of the address
- The person has ceased to be resident at the address or has otherwise ceased to be resident at the address or has otherwise ceased to satisfy the conditions for registration
- The person was registered as the result of an application for registration made by someone else (ie not the individual whose details are provided on the application and who has declared that the information provided is true), or the persons entry has been altered as the result of an application for a change of name made by someone else

2.  Background

2.1 The Electoral Registration and Administration Act 2013 introduced Individual Electoral Registration from June 2014. This introduced individual registration and placed a duty on electors to ensure that they were registered for their place of residence.

2.2 All applications received whether online or by application form are processed through the Governments IERDS system (Individual Electoral Registration Digital Service) where their names, dates of birth and national insurance numbers are compared with information held with the DWP. If a persons details are confirmed they are entered on to the electoral register and issued with a letter of confirmation.

2.3 However in some instances a persons details do not confirm and we have to write to the individual concerned asking for further information to prove their identity and eligibility to be registered.

2.4 If an individual fails to provide or respond to request for information or we are unable to confirm their eligibility through local data matching we are required under the legislation to undertake a review including of those persons requiring determination to remain registered.

2.5 Grounds for a review are as follows:
• The person was not entitled to be registered in respect of the address
• The person has ceased to be resident at the address or has otherwise ceased to satisfy the conditions for registration
• The person was registered as the result of an application for registration made by someone else (ie not the individual whose details are provided on the application and who has declared that the information provided is true), or the person’s entry has been altered as the result of an application for a change of name made by someone else

2.6 There are three types of review as detailed below:-

• **Type A Review** – This would be undertaken when we are of the opinion that the elector is not or was not entitled to be registered, or has an entry in the register which results from or was altered as a result of an application made by another person. Any person given notice following a Type A review has 14 days to request a Hearing. If they do not respond they will not be included in the register or will be removed from the register.

• **Type B Review** – This would be undertaken when electors are required to provide evidence of age or nationality. This would be undertaken when we have doubts as to whether the person meets one or more of the eligibility criteria but you are not able to substantiate these by using other records. Any person given notice following a Type B review has 28 days in which to supply the required evidence. If they do not a Type A review would have to be undertaken and then after 14 days if information is still not received they will either not be included or removed from the register.

• **Type C Review** – This review would be used if it was decided to go straight to a Hearing. This might be in circumstances where our position and that of the elector or any other person is clear and it would be more practicable to have a hearing to decide the matter than to conduct a Type A or Type B review by correspondence. A Type C review can be completed in a shorter timescale than types A and B and so may be particularly appropriate close to a registration deadline. If a Type C review is to be undertaken then the elector must be given notice of the intention to hold a Hearing.

2.7 If a request is received by the Council arrangements would have to be made for a Hearing which must take place no earlier than 3 working days and no later than seven working days after the date of the notice of Hearing is given to the person requesting it. All affected parties would be present at the hearing including Electoral Services staff and electors.

2.8 The Electoral Commission recommend that as Hearings are quasi-judicial proceedings it would not be appropriate to delegate this duty to an officer who is not appointed either as ERO or as a Deputy ERO. Angela Andrews was appointed the ERO at the last Council meeting held on the 29 September 2014 but we currently do not have a deputy.

2.9 It is not anticipated that we will receive many requests for Hearings but bearing in mind the timescales given to put the arrangements in place and the fact the ERO may not always be available it is suggested that the Legal and Democratic
Services Manager be appointed as Deputy ERO.

3. Recommendation

3.1 That the Legal and Democratic Services Manager be appointed as the Deputy Electoral Registration Officer to undertake hearings after a person has been advised that they are not eligible to be registered in the following circumstances and have requested a Hearing: -

- The person was not entitled to be registered in respect of the address
- The person has ceased to be resident at the address or has otherwise ceased to be resident at the address or has otherwise ceased to satisfy the conditions for registration
- The person was registered as the result of an application for registration made by someone else (i.e., not the individual whose details are provided on the application and who has declared that the information provided is true), or the person’s entry has been altered as the result of an application for a change of name made by someone else

List of Appendices

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