

**Committee:** Council

**Agenda Item**

**Date:** 18 December 2014

**12**

**Title:** Review of Returning Officer's Fees and Expenses

**Author:** Peter Snow, Democratic and Electoral Services Manager, 01799 510430

Item for decision

## Summary

1. Members are asked to review and approve the Returning Officer's scale of fees and expenses for use at all relevant local elections and referendums held in the Uttlesford district from 1 March 2015.

## Recommendations

2. Approve the Scale of Fees and Expenses set out in Appendix A to this report.

## Financial Implications

3. The recommendations have costs but these are already budgeted. In practice the fees listed in the appendix will be subsumed by the fees used for the General Election for which a separate funding allocation has already been made. The cost to the Council of the apportioned share of the combined Parliamentary and local elections in May 2015 is estimated to be in the region of £117k, equivalent to the allocation from the Cabinet Office. Of that sum, a proportion will be reclaimed from parish councils as the full cost of administering parish elections will be charged directly to those parishes concerned, whether or not those elections are contested.

## Background Papers

4. All papers referred to by the author in the preparation of this report are already published.

## Impact

- 5.

Communication/Consultation	No specific consultation has been carried out.
Community Safety	No impact
Equalities	No impact
Health and Safety	No direct impact

Human Rights/Legal Implications	The Council must by law pay all of the Returning Officer's expenses as reasonably incurred
Sustainability	No impact
Ward-specific impacts	All wards
Workforce/Workplace	No direct impact

## Situation

6. The Council is obliged by law to appoint a returning officer (RO) who will either be the Chief Executive (as is the case at Uttlesford) or another senior officer of the authority. The RO has a distinct legal role in relation to the conduct of elections that is entirely separate from his position in the local authority. It is important to be aware of this distinction for it preserves the ability of the RO to act in an independent capacity to uphold principles of electoral law, free from pressures that may be exerted by elected members or by political groups.
7. The Representation of the People Act 1983 provides that all expenditure properly incurred by the RO in relation to the holding of an authority election shall be paid by the Council. There are similar provisions for the election of parish councillors although there is discretion as to whether that cost should be reclaimed from the parish councils concerned.
8. The 1983 Act makes provision for a scale of expenses to be fixed for the purpose of determining those expenses which are to be met but does not require such a scale to be adopted. It also says that, in cases where such a scale has been fixed, that scale may not be exceeded.
9. The Council has always operated on the basis of an adopted scale of fees and expenses. This is considered to be the most convenient method of ensuring that election expenses are met, and that appropriate staff are able to be recruited, in an orderly and controlled manner.
10. The law requires that election expenses are apportioned equally between the polls concerned where combined polls are held. However, not all functions at a combined poll are combined so the Council's scale of fees will be used where costs are attributable to district ward elections. Parish election costs will continue to be reclaimed from the parish councils concerned unless the Council decides otherwise. If a contested parish poll does not take place the costs reclaimed will be limited to the work involved in dealing with nominations, publishing notices, associated fees and incidental costs such as postage.
11. The scale of fees was last reviewed four years ago immediately prior to the ordinary election of district and parish councillors in 2011. Those elections were combined with the national referendum on the voting system to be used at Parliamentary elections. Authority has been granted to the Director of

Finance and Corporate Services to increase the scales annually in line with the average annual local government pay award in the interim period before this review and it is proposed to retain the same arrangement during the period until the next review in 2019.

12. Since 2011 the fees have been increased by 1% to reflect the pay award made in April 2013.

13. The only change proposed in this report is to agree to apply the scale of fees and expenses to any neighbourhood planning or other parish referendums required to be held in the Uttlesford district.

## Risk Analysis

14. The risk analysis is included below.

Risk	Likelihood	Impact	Mitigating actions
2 – That fees agreed for the payment of polling and other staff engaged by the returning officer become progressively more uncompetitive as compared with neighbouring authorities	1 -There is little likelihood of this happening at present because of the conditions of constraint operating in local government and the general economic climate	2 - The impact would be make the recruitment of election staff more difficult and potentially jeopardise the effective administration of the statutory functions of the returning officer	Through benchmarking and other actions, ensure that the rates of payment on offer are sufficient to recruit enough reliable staff with the skills required

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.