

## Returning Officer's Fees and Expenses

### Operations Committee, item 5

**Committee:** Operations

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

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**Agenda Item**

**5**

Item for  
decision

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#### Summary

This report recommends increases to the Returning Officer's Scale of Fees and Expenses to be used at elections of district and parish councillors with effect from 1 March 2007. The recommended increases take account of inflationary pressures and legislative change as will be explained in this report.

The Scale of Fees was last reviewed by the former Resources Committee prior to the 2003 ordinary local elections. Since then, a yearly increase has been applied under delegated powers in line with the average of yearly pay settlements.

#### Recommendations

That the Scale of Fees set out in the appendix to this report be adopted for all elections taking place after 1 March 2007, as modified by the proposed amendments set out in paragraph 30, and that the Council continues to reclaim all costs incurred arising from parish elections in accordance with the adopted scale.

It is further recommended that the Director of Resources be given delegated authority in future years to increase the scale of fees in accordance with the annual pay settlement (subject to any wish by Members to carry out a further review in four years' time) and that the commencement date reverts to 1 December from the next such increase to co-incide with the cycle for the registration of electors.

#### Background Papers

Returning Officer's Scale of Fees and Expenses payable at elections of district and parish councillors effective from 1 December 2005 (the existing scale).

#### Impact

Communication/Consultation	<b>None required</b>
Community Safety	<b>Not applicable</b>
Equalities	<b>No specific impact</b>

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Finance	<b>Extra money needed as explained in the report</b>
Human Rights	<b>No impact</b>
Legal implications	<b>A scale of fees is needed to comply with the Council's duty to meet the Returning Officer's reasonable expenses</b>
Ward-specific impacts	<b>All</b>
Workforce/Workplace	<b>Many of the Council's staff are involved in the administration of elections and there will be some impact on office staffing on polling day in particular</b>

### Situation

- 1 The Council is obliged by law to appoint a returning officer (RO), who may, or may not, be the Chief Executive. The RO has a distinct legal role in relation to the conduct of elections that is quite 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.
- 2 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.
- 3 The 1983 Act makes provision for a scale of expenses to be fixed for the purpose of determining those expenses 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. The updating of the present scale of fees is considered by officers to be the most convenient method of ensuring that election expenses are met, and staff recruited, in an orderly and controlled manner.
- 4 At one time, the Essex districts reached annual agreement as to the fees and expenses to be applied. This system is no longer in use and the Council must therefore determine the scale of payments it considers to be appropriate.
- 5 At the last review in November 2002, a number of changes were made to simplify the operation of the scale. These were:
  - Splitting clerical fees away from RO's fees and reducing, overall, the total available for payment.
  - Expressing some fees in a much simpler format without the need for as many variable factors.

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- Reducing the total available for preparing and issuing poll cards to reflect the workload more closely.
  - Simplifying the calculation of fees for work associated with postal voting, whilst retaining the level of fees payable at roughly the same level.
  - Increasing the level of fees payable to polling staff to make the rates more attractive and more comparative with other types of election.
- 6 Since 2002, fees have been up-rated in line with the average level of annual pay settlements. However, a number of changes have taken place as a result of the Electoral Administration Act and associated secondary legislation and these must be taken into account in any substantive review. The main changes can be summarised as:
- Increased hours of poll for all local government elections from 8.00am - 9.00pm to 7.00am – 10.00pm.
  - The requirement to capture and retain personal identifiers from all absent voters (signature and date of birth), and to ensure that these are checked against information provided in postal voting statements.
  - The necessity to ensure that all polling staff receive appropriate training as is now required at all national elections.
- 7 Taking each of these matters in turn, it is being recommended in this report that the fees payable to polling staff are up-rated to take account of the statutory additional polling hours, as well as to reflect increases in local government pay during 2006.
- 8 It is becoming increasingly apparent that local payments to polling staff have fallen behind those made at national elections and would benefit from significant adjustment as a result. This is a trend that was first highlighted at the previous review.
- 9 Another factor is that the recruitment of polling staff has become ever more difficult over time. Polling staff were traditionally recruited almost exclusively from existing staff. It has become increasingly difficult to recruit staff to carry out polling duties and it is now the case that the overwhelming majority of those employed do not work for Uttlesford.
- 10 As will be seen from the appendix, existing fees are as follows:
- Presiding Officer: £136.90
  - Poll Clerk: £87.50
- 11 Up-rating for the 2006 settlement (2.95%) would increase these amounts to £140.95 and £90.10 respectively. Taking account of the additional hours of

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- poll from 13 to 15, a proportionate increase (15.4%) would further increase these figures to £162.65 and £104.
- 12 For comparison purposes, the rates payable at the 2005 Parliamentary election were £175 plus £40 (because the election was combined with the County Council election) = £215 (for presiding officers), and £105 plus £25 = £130 (for poll clerks).
- 13 This report recommends that the fees are increased to £175 for presiding officers and £110 for poll clerks (that is, £12.35 and £6 respectively, over and above the figures that would be applicable by up-rating to take account of the 2006 pay settlement and the additional hours of work – see paragraph 11 above). These revised fees would provide a more valid comparison with those fees payable at national elections and would aid recruitment.
- 14 The additional cost to the Council (over the base rate for 2007, that is, after applying the normal increase) would be:
- For presiding officers: £34 x 80 = £2,720
  - For poll clerks: £20 x 80 = £1,600
  - Total increase = £4,320
- 15 At one time, the Council's scale did incorporate an additional fee element to take account of combined polls (effectively an extra responsibility payment) but this was dropped for reasons of simplicity. An additional combined elections fee could be reinstated if Members so wish but the preference expressed in this report is to use any additional funding to increase the fees overall in real terms and to introduce a training fee (see below).
- 16 There is also the question of the new requirement to provide training to take into account. At the 2005 Parliamentary election, a training fee of £40 was paid to all polling staff. If it is expected that staff will be required to attend training, in their own time, in order that they can be appointed, it is considered that the minimum payment that could realistically be made is in the order of £30, in addition to their fee for acting on polling day itself.
- 17 The report recommends that a fee of no less than £30 be made to all polling staff, on the understanding that they must attend an appropriate training session before they are able to act in any capacity at a polling station. The additional cost of incorporating a training fee into the scale of fees is estimated to be: £30 x 160 = £4,800.
- 18 In fact, the officers' preference would be to introduce a training fee of £40 but it is recognised that the extra cost would rise from the amount mentioned in the previous paragraph to: £40 x 160 = £6,400. Either way, it must be recognised that if a training element is to be introduced it must be made compulsory and so the level of fee set must include sufficient incentive for staff to attend.
- 19 One possible way around this problem is to agree to pay the higher rate of £40 but to incorporate all travelling expenses within this amount to preclude any separate claims from being submitted. The views of Members are invited.

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- 20 The RO should be entitled to reclaim costs associated with providing training and it is suggested that a fee of £75 is incorporated that is payable to each trainer for each such session provided. The estimated cost of adopting this suggestion would be 2 (trainers) x 4 (sessions) x £75 = £600.
- 21 It should be said at this stage that the Department for Constitutional Affairs (DCA) arranged in 2006 for additional funding of £19.9m for authorities in England in 2006/07 and 2007/08, to meet the additional costs associated with the package of measures in the Electoral Administration Act. Uttlesford's share of this new money was £23,000.
- 22 Of this amount an additional sum of £7,700 has been spent on the new legal duty to make house to house inquiries as part of the annual electoral canvass. New money is also committed to purchase hardware and software to enable the Council to undertake the required personal identifier checks of all postal voters.
- 23 However, it must be remembered that an additional outlay of £9,500 -11,500 at the May 2007 elections should more properly be set out over a four-yearly electoral cycle, so that the real additional annual cost is in the region of £2,500 to £3,000. It must however be remembered that the cost of administering parish elections is recharged to those parishes and the net cost to Uttlesford reduced accordingly.
- 24 Effectively therefore, it seems likely that all of the additional money made available by the DCA has either been spent or committed, or will have been so committed, after the adoption of a revised scale of fees.
- 25 One further reform is suggested to the existing scale. Fees for the counting of votes are expressed in terms of hourly rates of pay (except for deputy returning officers who receive a fixed sum). The calculation of fees is complicated because it bears no relation to individual ward or parish counts. This means that an individual calculation must be made for each member of staff employed. Another problem tends to be that the fee payable for by-election counts is very small and it is sometimes difficult to recruit staff who might be receiving only one hour's fee.
- 26 A possible solution, which would be neutral in terms of cost, is to express count fees as a global sum for each ward or parish concerned so that payments can be made up to, but not exceeding, that sum. The amount expended in 2003 has been increased by 12% and then divided by the total number of contested elections and this gives a proposed figure of £190 per contest (not including DRO fees) with a suggested sum of £95 for any recount required. In the officers' judgement, this sum would enable staff employed at the count to be properly remunerated (at both ordinary and by-elections) and would make the calculation of fees both clearer and easier to administer.
- 27 One matter not specifically examined in this report is the statutory requirement to check the returned postal voting statements against the personal identifiers supplied by each postal voter. This year the legislation has been modified so that ROs are required to carry out PI comparisons of only 20% of postal votes

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returned, in each ward or parish. This concession has been made because it is considered that some ROs will not be in a position to undertake 100% checks.

- 28 At Uttlesford, the intention is to undertake 100% checking and provision has been made to purchase specialist automated signature checking software to enable that to happen. It is understood that the majority of ROs in England intend to undertake similar levels of checking.
- 29 This will have inevitable implications for the timing of the count and it is intended that the counting of votes for district wards as well as for contested parishes will take place on the following day. The staffing costs of undertaking these additional checks cannot be quantified but it is hoped that existing scales of pay will be sufficient to cover the work concerned. The operation of the PI scanning and comparison systems will have to be carefully monitored and a further report submitted if it proves to be necessary.
- 30 Taking account of the information contained in this report, it is recommended that the scale of amended fees and expenses set out in the appendix to the report be adopted, with effect from 1 March 2007, subject to the proposed changes set out below:
- 1 That the fees payable to polling staff be increased over and above the level required to keep pace with the most recent pay settlement, to take account of the additional hours of poll now introduced, and to aid the recruitment of reliable staff, as follows:
    - i. for each presiding officer the sum of £175.00;
    - ii. for each poll clerk, the sum of £110.00.
  - 2 Insert additional paragraph 5 (c) to read as follows:  
Either –
    - i. for the training of all duly appointed polling staff, the sum of £30 be payable for attending an appropriate training session, on the basis that the appointment will be cancelled in the event of a refusal to attend (to include all expenses, other than any travelling expenses recoverable under part 7 of this scale); or
    - ii. for the training of all duly appointed polling staff, the sum of £40 be payable for attending an appropriate training session, to include all travelling expenses associated with that attendance, on the basis that the appointment will be cancelled in the event of a refusal to attend.
  - 3 Insert new paragraph 5 (d) as follows:  
For each person authorised to provide training for all polling staff on the basis set out in paragraph (c)

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above, a fee of £75 shall be payable for each such session provided.

- 4 Delete paragraphs 6 (b) and (c) and substitute new paragraphs 6 (b) and (c) as follows:
  - (b) a fixed sum of £190 is payable, for each contested ward or parish, for the remuneration of all staff engaged in the counting of votes, except for any deputy returning officer(s) so appointed; and
  - (c) a fixed sum of £95 is payable, in respect of each separate recount of votes that is required to be held, for the remuneration of all staff engaged in that count or those counts, except for any deputy returning officer(s) so appointed.

31 A summary of the additional costs that are expected to arise from adoption of these recommendations is set out below:

- The cost of implementing the proposed increase in fees for polling staff is in the region of £4,320 (not including any by-elections) over a four year period. This figure would fall to £1,472 after deducting the additional cost of the additional hours of poll. However, please note that some of this cost is likely to be reclaimed from parish councils having contested polls. Based on the experience from 2003, this would reduce the net cost to approximately £3,630.
- Under option (i) in bullet point 2 of paragraph 30, the additional cost over a four year period would be £4,800 (not including any travel expenses claimed by staff). Under option (ii) the extra cost would be £6,400 (but this would include travel costs). Again, it is likely that some of this cost could be offset by reclaiming an apportioned sum from parish councils. On past experience, this would reduce these amounts to £4,032 and £5,376 respectively.
- The cost of implementing part 3 of paragraph 30 is expected to be £600, reducing to a net figure of £504.
- The total additional cost of implementing these measures is therefore £9,720 under option 2(i) (reducing to a net £8,165, and £11,320 under option 2(ii) (reducing to a net £9,510).

32 Members may also wish to re-confirm the Council's policy that all costs associated with a parish election (whether contested or otherwise) will be reclaimed from the relevant parishes in accordance with the duly adopted scale of fees.

## Risk Analysis

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Risk	Likelihood	Impact	Mitigating actions
<b>That, if a duly authorised scale of fees is not adopted, it will be difficult to budget adequately for the cost of running the elections.</b>	<b>Unlikely</b>	<b>Significant</b>	<b>Ensure that the scale of fees remains relevant and up to date.</b>