

Committee: Finance and Administration Committee

Agenda Item

Date: 25 November 2010

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Title: Review of Returning Officer's Fees and Expenses

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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 for the calendar year from 1 December 2010.

Recommendations

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

Financial Implications

3. None. There are no costs associated with the recommendation.

Background Papers

4. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

Returning Officer's Scale of Fees and Expenses payable at elections from 1 March 2007 onwards (the date of the previous review)

Details of fees payable in Fenland, South Cambs, Braintree, Huntingdon, Maldon, Tendring, Breckland, Forest Heath and St Edmundsbury districts (set out as Appendix B to this report)

Impact

- 5.

Communication/Consultation	Benchmarking has been carried out with other local authorities
Community Safety	No impact
Equalities	No impact
Health and Safety	No direct impact
Human Rights/Legal	The Council must by law pay all of the Returning Officer's expenses as

Implications	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 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. There has always been such a scale of fees and expenses in place at Uttlesford and 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. In recent years the scale of fees has been reviewed by this Committee, in its various guises, every four years in the period immediately before the ordinary election of district and parish councillors has been due to take place. In the intervening years, authority has been granted to the Director of Corporate Services to increase the scales annually in line with the average annual local government pay award.
11. If the Council decides to adopt the cabinet model of decision making, electoral matters must be reserved to the Council. A mechanism for reviewing the fees and expenses properly incurred by the returning officer at elections of district and parish councillors will need to be put into place at that time.
12. The following paragraphs set out some suggested amendments to the scale of fees, whilst keeping to a position of overall cost restraint, and explains the background in terms of future election commitments.

Meeting the cost of elections in 2011 and beyond

13. Full ordinary elections are due in May 2011 to elect all 44 district councillors and all town and parish councillors in the district, except for those in Birchanger, Little Canfield, Stansted Mountfitchet and Takeley where the elections will be postponed by one year as a result of expected boundary changes.
14. In normal circumstances, the costs of the election are apportioned between the district and parish elections and appropriate expenses are reclaimed from those parishes concerned after the election. Costs cannot be apportioned in this way where parishes do not have contested elections. In those cases, minimal costs are recovered from parishes to reflect the administrative work involved in dealing with nominations, publishing notices, associated fees and incidental costs such as postage.
15. It is expected that a national referendum on the voting system to be used at parliamentary elections will take place on the same day, Thursday, 5 May. If that is so, and there is enabling legislation going through its various stages at the moment (Parliamentary Voting System and Constituencies Bill), the referendum will be combined with the local elections. Although it is possible that parish elections will be postponed by three weeks, that now seems unlikely.
16. In the event of combined polls, the fees to be used for the payment of polling staff, count staff, and staff engaged in the issue and receipt of postal votes will be set by the Cabinet Office on behalf of the Government, and will automatically override the Council's fees. In those circumstances, the Council's fees will not be used at all, except to the extent that any functions are not combined, and those fees will be split proportionally between the polls taking place (three where there are contested parish polls). The effect of this will be potentially quite substantial savings in the costs to be met by Uttlesford.
17. As an example of this, the fee set by the Government for the payment of a presiding officer at the General Election this year was £195 and this fee was enhanced by 20% (to £234) in the event of a combined poll. Assuming that fees remain at a similar level in 2011, the cost to Uttlesford of employing a presiding officer will fall to £117 in the event of two contested polls and to £78 where there are three polls. This compares with the Uttlesford rate of £185.60.

Proposed changes to Uttlesford's scale of fees

18. As there was no increase in local government pay scales in 2010, the last change made to the RO's scale of fees was a 1% increase in December 2009. As there has been no increase to pay scales this year and the Council is operating under conditions of general restraint, no increase to fees is being proposed as part of this review. However, some adjustments are being proposed to reflect changes in practice and to incorporate provisions for local referendums to be held.

19. The section dealing with **marked registers** (section 9) should now be deleted as the arrangements and fees for the inspection and supply of marked registers are set out in Regulation 120 of the Representation of the People Regulations 2001. This overrides any local provision and section 9 should now be removed accordingly.
20. Finally, it is proposed that a section is added to the scale of fees (to replace section 9) authorising the payment of fees and expenses in the event of a **local referendum** being held. The paragraph to be added should read:

9 Local Referendums

For every poll held under The Local Authorities (Conduct of Referendums) (England) Regulations 2007, or equivalent regulations, this scale of fees shall be applied to the expenses thereof, in so far as applicable. The fees listed above shall be applicable except as follows:

- Returning Officer's Fees: The sum of £2,300
- Clerical Fees and Allowances: The sum of £2,500
- The Count: (a) For the payment of all deputy returning officers and supervisory officers appointed to that role for the counting of votes at the referendum, the sum of £900
- The Count: (b) For the payment of all staff engaged in the counting of votes, other than those listed in (a) above, the sum of £3,800
- The Count: (c) For the payment of deputy returning officers and all other staff engaged in any recounting of votes required to be undertaken, the sum of £1,850

21. The sums included in paragraph 20 above are calculated on the basis of approximately 70% of the cost of administering a full election of district councillors. In respect of the recommended count fees, the sums proposed are roughly equivalent to the cost of administering a Parliamentary election.
22. The cost of administering a local referendum to endorse the proposal to adopt a leader and cabinet system was estimated earlier this year as being in the region of £86,000. Of course, making provision for the cost of a referendum to be met does not make this any more likely to happen but it does mean that the Council would be prepared for the eventuality and this seems a sensible precaution.
23. The recommendations included in this report can be summarised as follows:
- Marked registers – delete section 9 setting fees for the inspection/ supply of marked registers and replace with:
 - Local Referendums – adopt the provisions listed in paragraph 20 above.

Risk Analysis

24. 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 freeze in local government rates of pay 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.