

Committee: Council

Date:

Title: Review of Returning Officer's Fees and Expenses

Tuesday, 21 March 2023

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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 April 2023

Recommendations

2. That the Council:
 - a. Approves the scale of fees and expenses set out in Appendix 1 to the report.
 - b. Reviews the fees and expenses every four years in the year immediately preceding the ordinary election of district and parish councillors.
 - c. Delegates authority to the Director of Finance and Corporate Services to increase the scales annually to reflect the local government pay award.

Financial Implications

3. The recommendations have costs which are already budgeted. The full cost of administering parish elections will be charged directly to those parishes concerned, whether those elections are contested.

Background Papers

4. None.

Impact

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Communication/Consultation	No specific consultation has been carried out Guidelines from the Department of Levelling Up, Housing and Communities (DLUHC) has been followed on rates of pay for non-returning officer fees
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Community Safety	No impact
Equalities	No impact
Health and Safety	No impact
Human Rights/Legal Implications	The Council must pay all the Returning Officer's expenses as reasonably incurred, provided they do not exceed the scale of fees, if the scale of fees is adopted
Sustainability	No impact
Ward-specific impacts	All
Workforce/Workplace	No direct impact

Situation

1. The Council is obliged by law to appoint a Returning Officer, who at Uttlesford is the Chief Executive. The Returning Officer's duties are separate from his duties as a local government officer.
2. The Representation of the People Act 1983 provides that all expenditure properly incurred by the Returning Officer in relation to an authority election shall be paid by the Council, in so far as such expenditure does not, in cases where there is a scale fixed for the purpose by the council for that area, exceed that scale. 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 legislation therefore makes provision for a scale of expenses to be fixed for the purpose of determining the expenses which are to be met, although it does not require such a scale to be adopted. It also provides that, in cases where a scale has been fixed, such scale may not be exceeded.
4. Where combined polls are held, the legislation requires that election expenses be apportioned equally between such polls. However, not all functions at a combined poll are combined. The Council's scale of fees will therefore be used where costs are attributable to district ward elections, but parish election costs will be reclaimed from the parish councils concerned (unless the Council were to decide 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.
5. The Council has operated on the basis of an adopted scale of fees and expenses. These fee arrangements are reviewed by the Council every four years to coincide with the ordinary election of district and parish councillors. Delegated authority has been given to the Director of Finance and Corporate

Services to increase the fees under these scales annually in line with the average annual local government pay award in the interim period between the four yearly reviews by Council.

6. The above approach is considered the most convenient method of ensuring that election expenses are met, and that appropriate staff may be recruited. It is proposed to retain the same arrangements during the period until the next review prior to the local elections in 2027.
7. The Returning Officer and Clerical Allowance fees and charges have been increased by 6% for 2023. Other fees listed in the appendix are based on the DLUHC indicative rates of pay as it seeks national consensus on pay for main electoral duties like polling, postal vote opening and duties at the count. These fees are listed for transparency purposes and so all fees are shown in one document. Election fees for national elections are not currently set and it is for the Returning officer to agree these at a suitable level to attract staff and be similar to other councils as much as possible, hence the Government's intended approach to set broad rates based on hourly rates of pay. For national polls, the Returning Officer has to submit accounts and hence fees need to be in line with their proposed rates or otherwise they are challenged and potentially the Council is not reimbursed for its properly incurred costs. The appendix to this report sets out the proposed increase in relation to all fees.

Risk Analysis

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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, or they are challenged for national polls for being too high	2 By adopted the DLUHC's indicative rates for polling and other staff payments this greatly reduced the risk of not having payments fully reimbursed for national polls and fees will be of a similar level to neighbouring councils so	2 The impact would be making the recruitment of election staff more difficult and potentially jeopardise the effective administration of the statutory functions of the Returning Officer	Following the indicative guidelines of the Government and other actions, ensures that the rates of payment are sufficient to recruit enough reliable staff with the skills required and avoids national challenge.

	maintaining the attractiveness of working on elections in Uttlesford.		
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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.