

Committee:	Council	Date:
Title:	Review of Returning Officer's Fees and Expenses	Tuesday, 4 December 2018
Portfolio Holder:	Councillor Howell	
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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 March 2019.

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 or not those elections are contested.

Background Papers

4. None.

Impact

- 5.

Communication/Consultation	No specific consultation has been carried out, although focused benchmarking has taken place.
Community Safety	No impact
Equalities	No impact
Health and Safety	No impact
Human Rights/Legal Implications	The Council must pay all of 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 her 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 in the year immediately preceding the ordinary election of district and parish councillors. In all other years, delegated authority is 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 in 2022.
7. Following the approval of the scale of fees on 18 December 2014, the Director of Finance and Corporate Services authorised an increase of 2.2% on 22 February 2016; an increase of 1% on 3 March 2017 and an increase of 1% on 3 April 2018.
8. Focused benchmarking regarding staffing fees has been undertaken to compare the fees which are proposed to be payable by two neighbouring authorities for electoral staff payments in 2019. The authorities approached for this information are those with which for Parliamentary elections combined functions such as staffing of polling stations is likely to be required. Four wards of one authority, Chelmsford City Council, are within the current boundary of the Saffron Walden Constituency; the other authority, Braintree District Council, is the authority which if the 2018 Parliamentary Boundary Review recommendations are approved by both Houses of Parliament, would instead have four wards of its area included in the Saffron Walden Constituency. The data obtained is set out in Table 1 below.

Table 1			
	CCC	BDC	UDC (with uplift of 2%)
Presiding Officer fee	215	205	199.35
Training	50	35	45.50
Poll Clerk fee	140	105	125.20
Training	50	35	45.50
Count			
Evening	15.00 per hour	13.50 per hour	
Day		9.00 per hour	108 approx

9. The above comparative data indicates that whilst the fees payable for polling staff at Uttlesford are broadly similar to those payable at other nearby, authorities, they are less than those applicable at those authorities. There is a risk that if the fees were to be significantly less than those payable in these authorities that it would prove difficult to recruit sufficient polling staff in Uttlesford. If the fees are increased by 2% they will remain slightly less for polling staff, but would remain broadly similar to those payable at neighbouring authorities. It is proposed to increase the fees by 2% to reflect the local government pay award made in 2018. The appendix to this report sets out the proposed increase in relation to all fees.

10.

Risk Analysis

11.

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	2 Benchmark data indicates fees may diverge if the increase of 2% is not adopted	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.