

**COUNCIL
20 JANUARY 2022**

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: ELECTORAL SERVICES – SCALE OF FEES 2022/23

REPORT OF: SERVICE DIRECTOR - RESOURCES

EXECUTIVE MEMBER: Scale of Fees - Non-Executive function.
(Electoral Services: Community Engagement)

COUNCIL PRIORITY: BE A MORE WELCOMING AND INCLUSIVE COUNCIL

2022-2027 PEOPLE FIRST; SUSTAINABILITY AND A BRIGHTER FUTURE TOGETHER

1. EXECUTIVE SUMMARY

1.1 To agree the Scale of Fees for electoral events held during 2022/23.

2. RECOMMENDATIONS

2.1. That the Council be recommended to agree the Scale of Fees for 2022/23 as set out in Appendix A.

3. REASONS FOR RECOMMENDATIONS

3.1. To enable the Council to remunerate the Returning Officer and the staff employed to carry out tasks during electoral events and to be open and transparent regarding other payments.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1. For the scales of fees to remain at the 2021/22 rates or to increase some areas to reflect other local/national rates.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1. The Electoral Services teams within the Hertfordshire local authorities form a Hertfordshire County Group and an informal consultation exercise was recently undertaken in respect of the fees paid by each, as all neighbouring authorities are considered to be competitors when recruiting staff.

5.2. The fees paid by the four Hertfordshire authorities that directly border North Herts Council are referenced in paragraph 8 (the names of the respective authorities have not been provided).

- 5.3. There being no county agreement as to the scale of fees for local elections, an informal consultation was undertaken with neighbouring local authorities prior to the agreement of the 2022/2023 Scale of Fees. The suggestion of a county agreement has been mooted. However, as some authorities would need to lower or raise their fees as well as those authorities closer to London needing to pay more to compete with the London authorities (whereas North Herts Council doesn't need to pay the London inflation), there has been no appetite between the authorities to proceed with a county agreement.

6. FORWARD PLAN

- 6.1 This report does not contain a recommendation on a key Executive decision and has therefore not been referred to in the Forward Plan.

7. BACKGROUND

- 7.1. Each Local Authority is required to appoint one of its officers as Returning Officer (RO). The RO is appointed in an independent capacity by the Council to organise and run elections free from the political structure of the authority. Councils must provide their RO with the resources they need to run elections. This includes the cost of recruiting and paying staff to act as Presiding Officer and Poll Clerk, along with any other ancillary staff necessary for the success of a poll.
- 7.2. For national polls the government issue a Fees and Charges schedule which identifies for each authority a "maximum recoverable amount" along with a fee which may be claimed by the appointed RO for the rendering of their services. The RO will pay their appointed staff from the monies provided by government and will account for their expenditure by way of a return to the Election Claims Unit at the Cabinet Office.
- 7.3. No such formal structure exists for local elections, which is why a local scale of election fees is required to cover staff costs associated with the administration of elections and other electoral events, e.g., Neighbourhood Planning Referendums or Town/Parish Poll.

8. RELEVANT CONSIDERATIONS

- 8.1 The RO appoints circa 300 temporary staff for local elections and will need to do so for the elections to be held in May 2022. The informal 'consultations' and research has indicated that the fees are at the lower end when compared with most neighbouring authorities, particularly in relation to polling station staff and therefore there has been a moderate increase to these roles.
- 8.2 In previous years there has tended to be a minimal percentage increase or an increase aligned with the National Joint Council Local Government Services pay agreement. However, the National Employers group and the National Joint Council (representing Unison, Unite and GMB unions) have not been able to agree a pay settlement to date for the 2021/22 pay award. The pay offer which has been made would provide an increase of 2.75% for Grade 1 staff, 1.75% for Grades 2 -12 and 1.5% for Chief Officers and Chief Executives (grades 14-16).
- 8.3 Where there is no comparable role from the research or it is felt that the fee is competitive there has been either no increase, or an increase made in line with the National Joint Council for Local Government Services pay agreement for 2021/22 based on the proposed 1.75% increase for Grades 2-12 (rounded up to the nearest pound).

8.4 A greater than inflation rise has been applied to the following fees: Poll Clerk (for both ordinary elections and parish/town polls) and the Clerical Assistant/Ballot Box Prep role. The table below shows how the proposed 2022/23 fees compare to the current fees for neighbouring Hertfordshire Authorities. Where fees are already in line with (or above) comparator Authorities then the amount has been frozen. This applies to the Postal Vote Supervisor and assistant roles, that are also shown in the table below. It is very difficult to provide a meaningful comparison for most of the other roles, as other Authorities set them on a different basis (e.g. hourly amount versus fixed amount). Another factor in proposing an increase to polling station staff fees is that they are expected to be on the polling stations for a minimum of 16 hours, allowing for setting up and dismantling of the polling station. In addition, retaining a fee of £150 for a Poll Clerk would not meet the minimum wage of £9.50 from April 2022 for those ages 23 years and over.

Authority	Poll Station Inspector (total)	Presiding Officer (total)	Poll Clerk (total)	Postal Votes Supervisor (per hour)	Postal Votes Assistant (per hour)
North Herts Council (2021/22 rate)	250	250	150	25	12.5
North Herts Council (proposed 2022/23)	255 + mileage	255	160	25	12.5
Comparator A (2020/21 rate)	269.03 + mileage	269.03	163.59	16.24	10.82
Comparator B (2020/21 rate)	300	270	165	12.50	10
Comparator C (2020/21 rate)	£18/station	225	160	? previously was £15	10
Comparator D (2020/21 rate)	£65	244.10	132.64	? previously was £20	10

8.5 The Scale of Fees incorporates a new role 'Elections Porter' which can then be used for tasks such as the delivery of polling booths and other equipment. Currently we use a removal company to deliver and collect the polling booths and other equipment. Incorporating this role will allow us the option to potentially explore alternative methods that may be more cost effective.

9. LEGAL IMPLICATIONS

9.1 The Democratic Services Manager has been appointed as RO as per section 14.6.13 of the Constitution.

9.2. Section 36 of The Representation of The People Act 1983 (RPA) provides that [at (4), (5), (5A)] all expenditure properly incurred by a Returning Officer in relation to the holding of a district, parish or community election be paid by that council, or parish or community council for which the election is held.

9.3. A RO is entitled to recover charges in respect of services rendered or expenses incurred for elections, as per section 29 RPA.

9.4 There is no specific delegation to set fees for elections. The RO has responsibility for elections, although setting their own fees is not recommended. An officer may under 14.6.2(e) of the Constitution "...always refer a delegated decision to the Cabinet or

Council or any of their respective Committees rather than make the decision"; section 14.5.1 further provides "All those functions relating to elections" falls to the Council as an effective default.

10. FINANCIAL IMPLICATIONS

- 10.1. The fees for elections are considered in the budget setting process. In the case of Parish elections, each Parish is charged for its election.
- 10.2. To provide an indication of the financial impact of the proposals – each Polling Station requires a Presiding Officer and there are 78 Polling Stations (to cover the entire district). On the basis that we do not share a Presiding Officer over two stations (which is only done out of necessity rather than preference) this would result in an additional £390 being identified within the budget.
- 10.3. The Electoral Commission recommends ratios when allocating electors and staff to Polling Stations which dictates that a Presiding Officer must be accompanied by either 1, 2 or 3 Poll Clerks. To cover the entire district the RO would need to employ circa 114 Poll Clerks – this would result in an additional £1,140 being identified within the budget. This however does not account for the extra Poll Clerks that were required to accommodate operating Polling Stations in Covid conditions, the busier stations had one additional Poll Clerk each.
- 10.4. The Electoral Commission also recommends the appointment of Polling Station Inspectors who visit and inspect Polling Stations on behalf of the RO. There are usually ten recruited which would result in an additional £50 being required within the budget (not accounting for mileage).
- 10.5. In terms of the costs of elections, these are generally met by the body or bodies whose representatives have been elected. For example, the UK Government pays for UK Parliamentary elections and North Herts Council pays for the cost of local elections to the District Council. Where elections are combined, for example, a local election and a Police Crime Commissioner Election, most of the costs are shared.
- 10.6. Given that the elections in May 2022 are local elections there will not be any opportunity to share the costs (other than potentially one by-election for the County/ District vacancy). Although the forthcoming elections will cost more due to the high probability that we will need to operate in Covid-19 conditions i.e. the Count will take longer as there will be less staff allowed within the venue to maintain social distancing, the postal opening and verification process will take longer for the same reasons, there is surplus PPE stock that can be reused, as can many of the screens for the polling stations and count.

11. RISK IMPLICATIONS

- 11.1. The Council needs to ensure it complies with statutory requirements one element of this is to ensure that it has sufficient staff required to operate an election. The last elections were very difficult to staff due to the additional staff required and having to operate within a pandemic. If the Council does not pay a competitive rate it could become increasingly difficult to staff elections on the basis of fees.

12. EQUALITIES IMPLICATIONS

- 12.1. There are no equalities implications - in line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 As the recommendations made in this report do not constitute a public service contract, the measurement of 'social value' as required by the Public Services (Social Value) Act 2012 need not be applied.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1. There are no known Environmental impacts or requirements that apply to this report.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 There are no human resource implications, other than those set out.
- 15.2 The Council previously used the services of Selima for its electoral payroll system. Since the Council moved to a new payroll provider - Liberata UK Ltd to provide its payroll service, the electoral services payroll has also been absorbed into this contract. Staff used to resource elections are required to submit claims via the self-service online portal.

16. APPENDICES

- 16.1 Appendix A Electoral Services Scale of Fees 2022/2023.

17. CONTACT OFFICERS

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18. BACKGROUND PAPERS

18.1 None.