

**COUNCIL
19 JANUARY 2023**

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: ELECTORAL SERVICES – SCALE OF FEES 2023/2024

REPORT OF: SERVICE DIRECTOR - RESOURCES

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

COUNCIL PRIORITY: People first/ Sustainability/ A brighter future together

1. EXECUTIVE SUMMARY

1.1 To agree the Scale of Fees for electoral events held during 2023/2024.

2. RECOMMENDATIONS

2.1. That the Council be recommended to agree the Scale of Fees for 2023/2024 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 2022/23 rates or to increase and decrease some roles to reflect the indicative rates of pay by the Department for Levelling Up, Housing and Communities.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1. The Department for Levelling Up, Housing and Communities (DLUHC), is responsible for central government elections and recently launched a project to introduce indicative fees for all elections roles at polls which they fund.

5.2. DLUHC convened a Working Group with several Returning Officers and Electoral Service Managers across the country when setting their proposed fees. The outcomes of these meetings have been disseminated by the various regional lead officers, which have allowed Returning Officers and Electoral Service Managers to feed into this process.

- 5.3. In addition to the Association of Electoral Administrators Eastern Regional Group, the Electoral Services teams within Hertfordshire form a Hertfordshire County Group.
- 5.4. 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 and has been repeated in recent months, separate to the work by DLUHC, as neighbouring authorities are considered to be competitors when recruiting staff. The suggestion of a county agreement has previously 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.
- 5.5. Given that DLUHC have drafted indicative fees for elections rolls this now supersedes the notion of a county agreement.
- 5.6. Following the conclusion of the Canvass, the Canvassers have been surveyed as this was the first year the Authority has canvassed by a tablet.

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 Officers and Poll Clerks, along with any other ancillary staff necessary for the success of a poll.
- 7.2. For national polls the government issues 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. As explained in paragraph 5.1, DLUHC, has recently launched a project to introduce indicative fees for all elections roles at polls which they fund. This will introduce set fees which should be paid to elections staff at UK Parliamentary elections, Police and Crime Commissioner elections and national referenda.
- 7.4. For all such national elections, the RO will be expected to adhere to the range proposed for each role by the DLUHC. To pay outside of this range will require special agreement from the Electoral Claims Unit or risk the Electoral Claims Unit refusing to reimburse the difference where roles exceed their expected amounts.
- 7.5. 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., County Council elections, District Council elections, Town and Parish elections, Neighbourhood Planning Referendums or Town/Parish Poll.

- 7.6. Although local elections are not formally subject to the same fees as national elections, in practice the scale of fees should be uniform across all election types as having separate fees for local and national elections would cause confusion and major issues with staffing elections which pay different amounts to those held in other years.
- 7.7. Furthermore, in previous years, certain election roles such as Presiding Officers and Poll Clerks have been allocated a set fee for the role. However, DLUHC proposes that all election roles should be set an hourly rate which can then be equated to the number of hours worked.
- 7.8. Canvasser fees, which are not part of the DLHUC review, have also been updated to reflect changes to the nature of the role since the reform of the annual canvass in 2020.
- 7.9. The new canvass process involves a data matching process which identifies where properties are most likely to have a change in household composition to report. In turn, this means that fewer properties require the full canvass process i.e., do not require a personal visit by one of our canvassers. This has meant that the properties allocated to canvassers are typically more geographically distanced than under the previous model.

8. RELEVANT CONSIDERATIONS

- 8.1 In previous years, the RO has appointed circa 300 temporary staff each year for scheduled local elections.
- 8.2 In May 2023, the RO will need to appoint at least this number – and potentially more than previous years – to account for the introduction of the Elections Act changes. At this election, polling station staff will be required to verify an elector’s identity before issuing a ballot paper which will increase the volume and complexity of the workload on those running polling stations as well as additional responsibility.
- 8.4 From May 2024 the Authority moves to whole Council elections which will mean more staff are required to fill roles in polling stations, adding further staffing challenges.
- 8.3 The informal consultations and research has indicated that our existing fees are at the lower end when compared with the DLUHC recommendations and most neighbouring authorities in relation to polling station staff roles including Presiding Officers, Poll Clerks and Polling Station Inspectors.
- 8.4 By contrast, the DLUHC proposals suggest that in some areas, mainly around count related roles, our current fees are higher than they would expect, and the proposals within the Scale of Fees reflects changes to those areas.
- 8.5 As explained in paragraph 7.7, DLUHC suggests all roles should now have an hourly rate associated with them as opposed to a set fee and this has been reflected in the proposals within the Scale of Fees. DLUHC have also recommended that a night-time uplift rate of 1.5 the day rate is implemented for all roles required between the hours of 10pm and 8am as well as at weekends and bank holidays (note that this does not apply to polling station roles as per the DLUHC proposals i.e. Presiding Officers, Poll Clerks, Polling Station Inspectors).
- 8.6 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 with

regards to the Scale of Fees. Alternatively, where there is no comparable role from the research or it is believed that the fee is competitive, there has been no increase. The proposed Scale of Fees has been influenced by both the research from neighbouring authorities and the indicative fees by DLUHC.

- 8.7 With regards to canvasser fees, as explained in paragraph 7.9, the new canvass process has resulted in the properties allocated in canvass areas being spaced across a larger geographical area. It is therefore considered that a flat rate per property is no longer a fair wage because it does not account for the considerable increase in time taken for canvassers to travel between each of their allocated properties (pre the Canvass Reform, there would be several properties on the same street to canvass).
- 8.8 Following the conclusion of this year's Canvass, a post canvass survey was conducted of our canvassers, who have indicated that 86% of our existing canvassers would prefer to work for an hourly wage as opposed to the current per property fee. Several also indicated that they would not be inclined to undertake the role again due to the current poor levels of remuneration.
- 8.9 Canvasser fees are therefore proposed to move to an hourly rate to ensure that a fair wage is paid to employees.
- 8.10 Finally, fees for the Returning Officer themselves have remained unchanged in the last few years.
- 8.11 As with the other elections roles, the Elections Act will introduce an increased level of responsibility and burden on the Returning Officer when delivering elections.
- 8.12 The RO fees have therefore been updated to reflect this increased responsibility and an inflationary change since they were last set.
- 8.13 Furthermore, the proposals set the RO fees at a rate per ward / electoral area as opposed to by the total electorate as per the previous fees. This is to reflect the workload more accurately at election time and simplify the process for Returning Officer fees because the work involved for many RO functions (for example, receipt and processing of nominations, producing statutory notices, ballot papers, etc) are the same for each ward irrespective of the size of the electorate.

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.

- 9.5 The canvass, along with other statutory functions, is the responsibility of the Electoral Registration Officer and is contained within Sections 52 – 54 of The Representation of The People Act 1983 (RPA).

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 (based on 19 hours taking into account the collection of equipment prior to the day of Poll, polling station duties and the transportation of the ballot box/es to the count location). There are 65 Polling Stations required in May 2023. 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 will result in an additional £3,185 being identified within the budget for the provision of Presiding Officers.
- 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. In May 2023, we will need to employ circa 150 Poll Clerks – this will result in an additional £6,000 being identified within the budget.
- 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 £490 being required within the budget (not accounting for mileage).
- 10.5. The overall increase in cost of the above three polling station staff roles would therefore be circa £9,700.
- 10.6. However, by contrast, other fees have historically been set an excess amount and the proposals within the Scale of Fees bring these back into line with the government's recommendations.
- 10.7. For instance, the 2022/23 rate for Postal Vote Supervisors of £25 per hour will now be £17.50 per hour (this is the top end of the range proposed by DLUHC). For comparison, in the May 2022 elections Postal Vote Supervisors worked collectively for 228 hours which would mean a reduction of £1,710 in the spend on this role based on the new rate.
- 10.8. Similarly, Senior Count Supervisors and Count Supervisors previously attracted fees of £43.90 and £38.50 per hour respectively. The proposals bring these rates in line with Government recommendations of £26 and £17.50 per hour respectively. Combined, these would result in a reduction of £2,520 in staffing those roles.
- 10.9. The Count Assistants rate is also proposed to decrease from £18.80 to £13.50 (daytime rate – the night time rate proposed is 1.5x day rate). The role worked collectively for 409 hours in May 2022, meaning a reduction of £2,167 in a like for like comparison.

- 10.10. Therefore, taken overall, whilst polling station staff are proposed to significantly increase by around £9,700 in a like for like comparison, Postal Vote and Count staff would see a reduction of around £6,400 based on the hours undertaken by those roles in May 2022, thereby making the overall increase to staffing costs much less.
- 10.11. There is one rate where it is not proposed to follow the indicative fees by DHLUC and that relates to the fee given to a Presiding Officer who is employed to cover two polling stations. As explained, this happens on an exception basis and it is not felt that £25 is 1) a big enough incentive to encourage a Presiding Officer to cover two stations; 2) fairly reflects the additional duties required of that Presiding Officer; and 3) is still an overall saving as only one Presiding Officer is being used, rather than two.
- 10.12. 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.
- 10.13. Given that the elections in May 2023 are local elections there will not be any opportunity to share the costs (other than in the event of potential County by-elections or contested parish elections).
- 10.14. Canvasser fees have also been updated to an hourly rate of £12.50 as per paragraphs 8.7-8.9.
- 10.15. At the 2022/2023 rate, a canvasser with a rural round could command a fee of £2 per property (where a response is obtained) or 75p (where a response is not obtained). It is expected that a canvasser would, on average, expect to achieve circa 6 properties per hour in a rural route when accounting for travel time in between. It is hoped that the introduction of tablets will help to increase the average number of properties canvassed per hour.
- 10.16. On average, canvassers this year obtained responses in 41% of visits undertaken. Therefore, a canvasser with a round of 100 properties would be paid £126.25 at the 2022/2023 rate.
- 10.17. By comparison, if paid the hourly rate of £12.50 being proposed (the same rate as a Poll Clerk and Postal Vote Assistant), they could expect a fee of £212.50.
- 10.18. However, how quickly an individual can canvass depends on a number of factors so it is not possible to quote an exact amount that will change as a result of these proposals. On the basis that 2860 properties were canvassed in 2022, and assuming the estimated speed of around 6 visits per hour, we would pay 477 hours of canvassing, equivalent to just under £6,000. This compares to a spend of just over £4,000 in 2022 and around £5,800 in 2021.
- 10.19. Finally, the proposal in relation to Returning Officer fees is to set them at £300 per contested ward/ electoral area. Over the last two elections (2021 and 2022) the total fees have been £4,848 and £4,953 respectively. The fee per ward has been £285 and £275 respectively. Applying a 6% uplift would therefore give a fee per ward of £300 when rounded to the nearest £10. A 6% uplift was chosen as it is in line with the Independent Remuneration Panel recommendations regarding Members' Allowances which were based on average Council staff pay increases. Given the significant changes to fees for

other election roles it could not be aligned to increases in those rates, and it was felt that basing the fees on inflation indices would give too great an increase. The changes to the proposed Returning Officer fees would result in an increase in cost. Based on the current electorates and wards up for election in May 2023 and the previous Scale of Fees, the Returning Officer would have expected to command a total fee of just over £4,300. By comparison, the proposals in the Scale of Fees would make this fee £4,800. Note that the increase from changing to a fee based on number of wards (rather than electors) gives a larger increase in 2023 due to the make-up of the wards up for election (i.e. a lower number of electors per ward on average).

- 10.20. It is also worth acknowledging that although these proposals would see the fees increase for 2023 and 2024, the cost of Returning Officer fees will be down overall across the full cycle because of the move to all out elections from 2024 which will mean that 2025, 2026 and 2027 will not have any scheduled district council elections. The total fee (if it remains at £300 per ward) would lead to a fee in 2024 of £11,400, compared with total fees across 2021-23 of just over £14,000.

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. Staffing of polling station roles, continues to present one of the biggest challenges in the running of elections. Whilst other factors such as the hours of work, working environment, contribute to this, feedback from staff each year suggests that low pay is a major factor as to why people are hesitant to work. If the Council does not pay a competitive rate, it will become increasingly difficult to staff elections on the basis of fees.
- 11.2. The impact of the Elections Act has also increased the complexity in the administration for polling station staff (Presiding Officers, Poll Clerks and Polling station Inspectors), who will now be expected to, amongst other reforms, verify the identity of every voter before a ballot paper is issued.
- 11.3. As explained in paragraph 8.4, the DLUHC proposals suggest that in some areas, which mainly effects the count related roles, our current fees are higher than they would expect, and the proposals within the Scale of Fees reflects changes to those areas. This therefore may result in it being more difficult to recruit to these roles (although note that it is more challenging to recruit polling station staff due to the significant number of staff required and unsocial hours), or some current staff opting not to continue with those roles. However, these fees have historically been set an excess amount and the proposals within the Scale of Fees bring these back into line with the government's recommendations. It is important for these fees to be introduced for the forthcoming elections in 2023, prior to the change to the Council's electoral cycle in 2024.
- 11.4. The Electoral Registration Officer has a statutory duty to maintain the Electoral Register, which includes conducting an annual canvass. The recruitment of efficient Canvassers is difficult and if they are not paid a competitive rate, it will become increasingly difficult conduct an annual canvass.
- 11.5. There is a risk that moving to an hourly fee will give the canvassers less motivation to do their role as quickly. But this must be balanced against setting a rate that is fair, ensures that we can get suitable staff and doesn't risk the average rate being paid dropping below the National Living Wage. As the role now requires more driving (due to the spread of

addresses), from a Health and Safety perspective, we do not want to encourage canvassers to drive too quickly.

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 Staff are contacted as to their availability to work prior to any election and the changes to the fees, and the reasons, will be explained in this correspondence.

16. APPENDICES

- 16.1 Appendix A Electoral Services Scale of Fees 2023/2024.

17. CONTACT OFFICERS

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18. BACKGROUND PAPERS

18.1 DLUHC Elections Funding Working Group Proposals from 31 October - EXEMPT