

**COUNCIL
23 NOVEMBER 2023**

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: ELECTORAL SERVICES – SCALE OF FEES 2024/25

REPORT OF: Service Director - Resources

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

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 2024/25.

2. RECOMMENDATIONS

2.1. That the Council agree the Scale of Fees for 2024/25 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 2023/24 rates or to increase/introduce some areas for reasons explained within the report.

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 last year launched a project to introduce indicative fees for all election 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. Given that DLUHC have drafted indicative fees for elections roles, which will be applicable to any UK Parliamentary or Police and Crime Commission elections during the 2023/2024 financial year, this provides the blueprint now used for our overall scale of fees, given the reasoning set out in the report.
- 5.5. Following the local elections held in May 2023, post-election staff surveys were undertaken to gauge feedback on, amongst other areas of the election, the new rates of pay introduced. The responses received were generally in support of the new rates, with a few suggestions for amendments put forward.
- 5.6. Following the proposals to introduce an uncontested fee for parish and town councils there has been consultation with the town and parish councils, which all District Councillors were informed of prior, and Group Leaders consulted upon.

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 a 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 (ECU) at the Cabinet Office.
- 7.3. As explained in paragraph 5.1, DLUHC, 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 ECU or risk the ECU 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 either at the same time or in other years.

8. RELEVANT CONSIDERATIONS

- 8.1 In the May 2023 elections, the RO appointed more than 400 temporary roles to deliver the polls.
- 8.2 In May 2024, the RO will need to appoint more temporary staff as the authority moves to whole council elections, meaning all wards are up for election at the same time and therefore more polling stations required to be staffed.
- 8.3 The proposed Scale of Fees has been influenced by the indicative fees by DLUHC. As explained, local elections are not formally subject to the same fees as national elections. However, providing uniformity across all election types will prevent confusion and major issues with staffing elections.
- 8.4 In addition to the May 2024 district and parish elections, there will be two scheduled national polls during the lifetime of this scale of fees - the Police and Crime Commissioner (PCC) elections in May 2024 and the UK Parliamentary General Election, which must be called before January 2025. If the Council opted to pay staff more than the fees listed in Appendix A, the additional costs would likely be rejected by the ECU and the Council would be liable for the financial difference.
- 8.5 The indicative fees by DHLUC were adopted by the Authority last year and having considered the most recent version, DLUHC have recommended a Sunday and Bank Holiday uplift rate of twice the normal rate.
- 8.6 One area of feedback in response to the post-election staff survey following the May 2023 elections was in relation to the rate of pay for Postal Vote Opening Assistants (£12.50 per hour in 2023/24), who felt the rate for this role should not be less than the Counting Assistant role (£13.50 per hour in 2023/24) owing to the fact that these roles are in many ways, similar. Having considered the responses, the rate for this role has been increased in line with the Counting Assistant and remains within the indicative fee bands set by DHLUC.
- 8.7 Another area of feedback related to the fee for Count Table Supervisors. The DHLUC indicative fees suggested that fees previously paid to some roles, particularly count related roles, were higher than they were willing to pay. Therefore, last year the fees for all roles were revised - meaning several of the fees were reduced and for count related roles reduced quite significantly.
- 8.8 Some feedback to the post-election staff survey following the May 2023 elections suggested that the rate of pay for Count Table Supervisors had been reduced too significantly given the level of responsibility. The fee for this role has therefore been increased to the maximum DHLUC has indicated they are willing to pay for such role.
- 8.9 The scale of fees includes a role of Count Manager/Senior Count Supervisor. DHLUC have indicated that they will only reimburse a fee for one of these roles. It is likely that

for the forthcoming elections, the RO will wish to appoint two Senior Count Supervisors given the small core team and to aid the smooth operation of the count. Therefore, when the ECU claim is submitted, the Authority may not be reimbursed for these roles.

- 8.10 Currently, Parish and Town Councils are only recharged where an election is contested.
- 8.11 As per Section 36 of The Representation of The People Act 1983 (RPA), states that all expenses reasonably incurred by the Returning Officer shall be paid by the relevant local authority.
- 8.12 Where the number of candidates that wish to stand for election is equal to or less than the number of seats being elected, then that election is considered uncontested, and anyone validly nominated is elected.
- 8.13 Most parish elections are not contested. However, the work involved for the RO and the Electoral Services Team up to the close of nominations remains the same. For instance, the election still must be set up within the electoral management system, a briefing prepared where clerks and candidates are invited (and strongly encouraged) to attend, an informal checking service of nomination papers made available, the nomination papers must be formally accepted and notices proofed and published.
- 8.14 It is only at the stage of the close of nominations that it is known whether the parish will have a contested election. Following which, rather than a notice of candidates, uncontested notice(s) must be published and circulated.
- 8.15 Given the significant amount of work involved, it is felt reasonable that parishes contribute to this process, and it is therefore being proposed to introduce an uncontested fee, which would be effective from the elections in May 2024, and would be banded dependent on the number of seats on the parish.

Up to and including 5 seats	£250
Between 6 and up to and including 10 seats	£450
Over 10 seats	£650

- 8.16 The Parish and Town Councils have been consulted and a summary of responses is included within Appendix B. It is considered to be a modest contribution and with scheduled elections only occurring every 4 years, parishes have the opportunity to factor this into their precept budget setting process.
- 8.17 This change would only apply to scheduled elections and by-elections called by the electorate of the parish, as these involve going through a nominations period. Not to casual vacancies (i.e. death, resignation or disqualification of a councillor) where no election is called after the statutory 14 day period, when parishes are free to co-opt.
- 8.18 In the event of a warded parish, where some wards are contested, whilst others are uncontested, the fee would only apply to the uncontested seats, e.g.,

A parish council has 10 seats which are split between 2 wards. One ward has 4 seats and the other ward has 6 seats. The ward with 4 seats was contested, but the ward with 6 seats was uncontested. The Parish Council would bear the full costs for the ward that went to poll (or a portion if the election was shared) and be charged £450 for the uncontested ward.

- 8.19 It has been indicated that elections staff should be entitled to holiday pay and that this should be reflected separately on their pay slip. In the absence of any official guidance from DHLUC, the fee paid for the roles listed in the Scale of Fees will have a portion of the fee listed on the payslip as a holiday percentage of 12.07% (which is based on the statutory holiday entitlement), e.g.:

A Presiding Officer, based on 19 hours will be paid a gross fee, including holiday pay of £304, of which £32.74 will be listed on the payslip as holiday pay.

- 8.20 It is necessary to ensure that roles continue to be paid at least the National Living Wage, having taken account of holiday pay. The Scale of Fees reflects that, whilst currently unknown, some roles are likely to be affected by the increase in the National Living Wage as of 1 April 2024. These rates will be set in line with the table in Appendix A when the National Living Wage for 2024/25 is announced.

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 contested election, and it is proposed that they also pay a fee for uncontested elections.
- 10.2. The Electoral Commission recommends ratios when allocating electors and staff to Polling Stations which dictates that each Polling Station requires a Presiding Officer and between 1 and 3 Poll Clerks. Due to the ongoing Polling District Review, it is not yet known how many polling stations will be used in the May 2024 elections. However, it is estimated that there will be around 80 polling stations in use.

- 10.3. Although the Presiding Officer fee itself is unchanged, the increased number of stations associated with all out elections will mean that Presiding Officers fees will equate to around £25,920 compared with £19,456 in 2023.
- 10.4. Equally, an estimated 160 poll clerks would cost £32,000 compared with £21,500 in 2023.
- 10.5. In 2023, Postal Vote Openers worked a collective 235 hours. As such, with the increase to the hourly rate would equate to an additional £235, although the postal voting team will be working more hours at the forthcoming elections due to the increased elections and number of postal votes.
- 10.6. The district elections in 2024 will be combined with the Police and Crime Commissioner elections, therefore the costs will be shared between the two election types and the cost attributable to the district will be half of the amount and therefore less than the overall costs in 2023 when the district elections were standalone.
- 10.7. Parish and Town Councils currently elect by thirds. Over the last three years, as an illustration of how the Parish and Town Council were elected, if an uncontested fee had been charged based on the current proposals, would have generated a total uncontested fee of £10,900, the majority being recharged in this financial year:

Area	Seats	Contested or Uncontested	Fee based on proposals
Ashwell	12	Uncontested 2023	650
Barkway	7	Uncontested 2023	450
Barley	6	Contested May 2023	
Bygrave	5	Uncontested 2023	250
Caldecote (2) and Newnham (4)	6	Uncontested 2023	450
Codicote (East) (2) and (Village) (8)	10	Uncontested 2023	450
Graveley	5	Uncontested 2022	250
Great Ashby	12	Uncontested 2023	650
Hinxworth	5	Uncontested 2023	250
Holwell	5	Uncontested 2023	250
Ickleford	8	Uncontested 2023	450
Kimpton	8	Uncontested 2022	450
Kings Walden (Breachwood Green) (6) and (Kings Walden) (2)	8	Uncontested 2023	450
Knebworth	12	Uncontested 2022	650
Lilley	7	Uncontested 2023	450
Offley (5) and (Cockernhoe) (4)	9	Uncontested 2023	450
Pirton	9	Uncontested 2023	450
Preston	7	Uncontested 2023	450
Reed	5	Uncontested 2023	250

Royston Town (Meridian) (5); (Palace) (5); (South) (2); (West) (3)	15	Palace; South; West - contested May 2022 Meridian - uncontested May 2022 Meridian - by-election - contested Sept 2022 South - by-election - contested May 23	250
Rushden (3) and Wallington (2)	5	Uncontested 2023	250
Sandon	6	Uncontested 2023	450
St. Ippolyts (North) (3) and (South) (5)	8	Uncontested 2021	450
St. Paul's Walden	7	Uncontested 2021	450
Therfield	7	Uncontested 2023	450
Weston	9	Uncontested 2023	450
Wymondley (Great Wymondley) (2); (Little Wymondley) (5) and (Todds Green) (1)	8	Uncontested 2023	450
		TOTAL	10900

10.8 As holiday pay is not currently incorporated as a separate line on pay slips will mean that the Council's payroll provider, Liberata, will need to make a change to the system and will likely charge a fee for doing this.

11. RISK IMPLICATIONS

- 11.1. Good Risk Management supports and enhances the decision-making process, increasing the likelihood of the Council meeting its objectives and enabling it to respond quickly and effectively to change. When taking decisions, risks and opportunities must be considered.
- 11.2. 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 and working environment contribute to this, feedback from staff in previous years has suggested that 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 because of fees.
- 11.3. 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 are now expected to, amongst other reforms, verify the identity of every voter before a ballot paper is issued.
- 11.4. Furthermore, 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. The Scale of Fees must be balanced against setting a rate that is fair, ensures that we can get suitable staff and doesn't risk any rate being paid dropping below the National Living Wage.

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. The Social Value Act and "go local" requirements do not apply to this report.

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 any changes to the fees, and the reasons, will be explained in this correspondence.

16. APPENDICES

- 16.1 Appendix A Electoral Services Scale of Fees 2024/25.
- 16.2 Appendix B Responses following consultation with Parish and Town Councils regarding the proposal to introduce and uncontested fee.

17. CONTACT OFFICERS

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