

COUNCIL
15 JANUARY 2025 (from cancelled 9 December 2024 meeting)

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: ELECTORAL SERVICES – SCALE OF FEES 2025/26

REPORT OF: Service Director - Resources

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

COUNCIL PRIORITY: THRIVING COMMUNITIES / ACCESSIBLE SERVICES / RESPONSIBLE GROWTH

1. EXECUTIVE SUMMARY

1.1. To agree the Scale of Fees for electoral events held during 2025/26.

2. RECOMMENDATIONS

2.1. That the Council agree the Scale of Fees for 2025/26 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 2024/25 rates or to increase some areas for reasons explained within the report.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1. The Ministry of Housing, Communities and Local Government (MHCLG), formerly known as the Department for Levelling Up, Housing and Communities (DLUHC), is responsible for central government elections and last year introduced indicative fees for all election roles at polls which they fund.

5.2. MHCLG's indicative fees for elections roles, which apply to any UK Parliamentary or Police and Crime Commission elections, provides the blueprint used for our overall scale of fees.

- 5.3. Following the elections held in May 2024 and July 2024 respectively, post-election staff surveys were undertaken to gauge feedback on, amongst other areas of the election, the rates of pay for elections staff. The responses received were generally in support of the rates, with some suggestions for an increase to the fees paid for polling station staff.
- 5.4. The Electoral Services teams within Hertfordshire formed a Hertfordshire County Group and the scale of fees paid by these Authorities, in particular by our neighbouring councils have been considered whilst suggesting the attached scale of fees.

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, MHCLG introduced indicative fees for all elections roles at polls which they fund. This sets pay bands of the amount that 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 MHCLG. 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 2024 elections, the RO appointed more than 500 temporary roles to deliver the polls for the Police and Crime Commissioner and all out District Council elections.
- 8.2 In May 2025, a similar number of staff will be required for the Hertfordshire County Council elections.
- 8.3 The proposed Scale of Fees has been influenced by the indicative fees by MHCLG. 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 scheduled local elections in May 2025, there is always the possibility of by-elections or other unscheduled polls to be called for all election types in the life of this scale of fees, one having already been administered only five months following the District Council elections in May. In the event a by-election was triggered for a national election type, our fees would be subject to the indicative fees set by MHCLG. 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 It is necessary to ensure that roles continue to be paid at least the National Living Wage. The government has announced that the National Living Wage for those over 21 will increase from £11.44 to £12.21 per hour as of 1 April 2025.
- 8.6 As per our previous fees, some roles were to be negatively affected by this increase in the National Living Wage if they were not uplifted. Namely, Poll Clerk, Count Assistant, Postal Vote Opening Assistant, Porter and Clerical Assistance roles. These rates have been uplifted in line with the table in Appendix A to reflect the National Living Wage.
- 8.7 Furthermore, during the 2024 UK Parliamentary General Election, it became apparent that our fees for the Presiding Officer role were low in comparison to our neighbouring authorities that we shared cross boundary arrangements with (i.e. East Herts and Central Bedfordshire).
- 8.8 This meant that we experienced significant difficulties in recruiting staff to Presiding Officer roles, which are crucial in the delivery of an election. We have therefore reflected this with an increase in fees for polling station staff to alleviate these recruitment issues
- 8.9 Neighbouring authorities also pay mileage to Presiding Officers, hence we have also added this according to the HMRC recommended rates for the journeys detailed in Appendix A.

9. LEGAL IMPLICATIONS

- 9.1 The Representation of The People Act 1983 (RPA) s. 35(1) requires a district council to appoint a RO to conduct elections on its behalf.
- 9.2 RPA ss 31(1) and (1a) provide that every district council must appoint an officer of the council to be the RO for any parish council elections within its area. This can be the same

person as the RO for district council elections, though it does not have to be. In accordance with the statutory provisions referred to above and as per section 14.6.13 of the Constitution the Democratic Services Manager has been appointed as RO for District Council and Parish Council elections.

- 9.3 RPA s. 36(4) provides that the cost of local elections is met from a local authority's budget. As referred to in paragraph 7.5 above the Council needs to agree the fees paid to the RO to conduct local elections by establishing a scale of fees. 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 s.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"; s.14.5.1 further provides "All those functions relating to elections" falls to the Council as an effective default.
- 9.4 With regard to the RO's expenses RPA s. 36(5) provides that all expenditure properly incurred by the RO in relation to the holding of a parish council election shall be paid by the district council in which the parish is located, providing that such expenditure does not exceed a fixed scale. Any expenditure incurred shall be repaid by the parish council to the district council if required. RPA s. 36(6) provides that before an election of a district or parish councillor, the council shall at the request of the RO advance any reasonable sum in respect of expenses as may be required.
- 9.5 The canvass, along with other statutory functions including maintaining the Register of Electors is the responsibility of the Electoral Registration Officer and is contained within RPA sections 52 – 54.

10. FINANCIAL IMPLICATIONS

- 10.1. The fees for elections are considered in the budget setting process. The scheduled elections in May 2025 are for Hertfordshire County Council, who are recharged for the costs of running these elections either full or in part depending on if the election is shared with another election.
- 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. For a district wide election, such as those taking place in May 2025, there are currently 77 Polling Stations across North Hertfordshire, each requiring a Presiding Officer.
- 10.3. The increase in Presiding Officer fee equates to an extra £44.08 for each staff member, therefore across 77 Polling Stations this would mean an additional £3,394.16 to the total cost.
- 10.4. Equally, an estimated 131 poll clerks (based on the number appointed for all out elections in 2024) would cost £2,347.52 more than the previous rates.
- 10.5. In 2024, Postal Vote Openers worked a collective 342 hours. As such, the increase to the hourly rate would equate to an additional cost of £150.48 overall, although the number of hours to be worked is likely to be less due to there being fewer combinations of elections taking place in 2025.

- 10.6. During the recent parliamentary elections, mileage payments were authorised to be paid to Presiding Officers as per the same terms detailed in Appendix A. Across the polling stations covering the North Hertfordshire district area (i.e. the area across which elections will take place in May 2025), the total cost for Presiding Officer's mileage was £1,189.35.
- 10.7. As per paragraph 10.1, the costs for scheduled elections taking place in May 2025 are to be borne by Hertfordshire County Council, who are responsible for funding their elections.

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 to conduct an annual canvass.
- 11.5. The Scale of Fees must be balanced against setting a rate that is fair, to ensure that suitable staff are able to be recruited and does not risk any rate falling 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 Recruiting staff is highly resource intensive and is organised solely by the Electoral Services Team who contact individuals for their availability to work informing them of the fees the role will incur.

16. APPENDICES

16.1 Appendix A Electoral Services Scale of Fees 2025/26.

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