

Wiltshire Council

Cabinet

2 February 2021

Subject: Returning Officer Fees and Charges

Cabinet Member: Cllr Richard Clewer Deputy Leader and Cabinet Member for Corporate Services, Heritage, Arts & Tourism, Housing and Communities

Key Decision: Non-Key

Executive Summary

The Returning Officer is appointed by the local authority to conduct elections and referendums within the local authority area. The Representation of the People Act 1983 makes provision for a scale of expenses to be fixed for the purpose of determining the Returning Officer's expenditure. In cases where such a scale has been fixed, the scale must not be exceeded. The scale was last reviewed in April 2013.

The current 2013 scale is outdated in terms of pay rates and inadequately reflecting the job roles and services required. Elections are becoming more complex, therefore, there is a need for specific job roles and services to be identified and included in the fees and charges scheme for transparency and to fully account for the cost of elections whether they are contested or uncontested.

The Returning Officer is also designated as Counting Officer for Neighbourhood Planning Referendums (NPRs). The Counting Officer is responsible for running a referendum for a neighbourhood plan area for the voters in the neighbourhood plan area to either adopt or reject the neighbourhood plan. The neighbourhood plan area can vary in size from a small parish to a large town parish. Except for candidates' nominations, the referendum is run in the exact same way as a parish election. The costs associated with this are not currently included in the 2013 scheme.

A proposed revised scheme effective from April 2021 and for the May 2021 elections has been prepared to incorporate all the points detailed above. In addition, provision has been made for postponement of an election to reflect the unusual situation experienced during the Covid-19 pandemic.

Proposal(s)

To invite Cabinet to recommend Council to:

- a. approve the revised scale of fees and charges effective from April 2021;

- b. note the inclusion of fees for Neighbourhood Planning Referendums;
- c. approve a revised scale of charging for uncontested elections;
- d. approve a revised scale of charging for countermanded or postponed elections.

Reason for Proposal(s)

The existing 2013 scheme is outdated and does not reflect all the job roles, pay rates and services required to run an election/referendum. The proposed new scheme addresses this and provides a clear and transparent scale of election/referendum costs. It also captures costs for all scenarios whether the election is contested, uncontested, countermanded or postponed.

Ian Gibbons
Director of Legal and Governance

Wiltshire Council

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Purpose of Report

1. For Cabinet to recommend Council to approve the proposed Returning Officer's scale of fees and charges scheme to run local elections and referenda effective from 1 April 2021.

Relevance to the Council's Business Plan

2. An approved Returning Officer's scale of fees will facilitate budget monitoring and spending controls for local elections and referendums. The range of job roles listed are clear and transparent and demonstrate the innovative and effective way elections are successfully delivered in line with the council's business plan of effective and innovative working.

Background

3. The Representation of the People Act 1983 makes provision for a scale of expenses to be fixed for the purpose of determining the Returning Officer's expenditure. In cases where such a scale has been fixed, the scale must not be exceeded. The scale was last reviewed in April 2013.
4. The present scale is outdated as elections are becoming more complex with the need for specific job roles to be identified and included in the fees and charges scheme for transparency and to fully account for the costs of elections.
5. The Neighbourhood Planning (Referendums) Regulations came into force in August 2012. The purpose of the legislation is to run a referendum for a neighbourhood plan area for the voters in the neighbourhood plan area to either adopt or reject the neighbourhood plan. The neighbourhood plan area can vary in size from a small parish to a large town parish. Except for candidates' nominations, the referendum is run in the exact same way as a parish election. An additional column has been added to Appendix B to include and match the fees for a parish election as this was not included in the 2013 scale. Within the scale, reference to Returning Officer or Deputy Returning Officer should be substituted for Counting Officer or Deputy Counting Officer for neighbourhood planning referendum purposes.

6. Under the relevant legislation elections are categorised as either “local” (i.e. parish, district, county or unitary) or “Parliamentary” (i.e. Westminster and Police and Crime Commissioner (PCC) elections). These “Parliamentary” elections have their own funding allocation set by the Cabinet Office and are specific to each local authority area based on the type of election. Expenditure on these elections is reclaimed from government via a detailed claims procedure, which enables thorough scrutiny of all expenditure for accuracy and reasonableness.
7. Wiltshire Council regularly monitors the scale it uses against those of other councils, though it is hard to compare the scale like for like due to few councils having the geographical or electorate size of Wiltshire. However, the scale has been devised in conjunction with our neighbouring authority, Swindon Borough Council, to ensure consistency between the two authorities. This is particularly useful as both Wiltshire Council and Swindon Borough Council work together for the PCC elections. Fees have also been reviewed, in particular for poll clerks to ensure the hourly rate meets the national minimum wage requirement.
8. Appendix A shows the current 2013 scheme and Appendix B is the proposed scheme from April 2021 to include neighbourhood planning referendums. The 2021 scheme would apply for the May 2021 elections. Appendix C is the combination of Appendix A and B for comparison purposes only.

Main Considerations for the Council

9. The following considerations refer only to where changes or increase in fees have been proposed for the 2021 scheme and Appendix B should be used for reference.

Returning Officer Fees

10. The Returning Officer fees (A1 and A2) for unitary only and parish with unitary have been brought in line to match the existing parish fees so they are all consistent. The parish fees remain unchanged since 2009.
11. The fee for the Deputy Returning/Counting Officer (count only) (B16) has been increased by £12 from £28 to £40 and will be the first increase in 12 years since 2009. The increase reflects the responsibility of the job, which is usually undertaken by an experienced member of the electoral services team for by-elections and neighbourhood planning referendums.

Training

12. The fee for preparing and delivering the training sessions has been moved from the Returning Officer fee section (shown in the 2013 scheme as A3) to the disbursements section (B27).
13. It is the Returning Officer’s duty to ensure all staff are adequately trained for their job role. The scheme therefore includes the fees payable for attending training. Poll clerks now complete online training, reducing the fee by 50% from 2013 fees (B4). Presiding Officers complete online training and have a final briefing

session when they collect their ballot box. This is a slight increase of £5 from the 2013 fee (B2).

14. Visiting Officers play a vital role on polling day, acting as troubleshooters by providing assistance and support for polling staff as well as a communication link between the Returning Officer and the polling stations. They need to undertake all the training offered to polling station staff as well as attending a bespoke Visiting Officer briefing. Their training fee reflects the total of the three training sessions (B6).
15. Count staff also require specific training, and this has now been included in the scheme for transparency purposes (B9, B12, B15). Although this was not included as a specific item in the 2013 scheme, the fees listed have been adopted for all elections since 2013 and have not altered.

Count Staff

16. The fee paid to count staff (B7, B10) for the first hour of the count has been increased to cover set up and preparation of the count venue and final staff briefing.
17. Parcels staff have been included with the count staff within the scheme (B7, B10) as they also play an important role by initially accepting receipt of ballot boxes and paperwork from the polling staff. They ensure everything has been accounted for as well as monitoring the wellbeing and safe return of the polling staff.
18. The count control roles have been added for transparency (B13). Count control staff record and update the verification figures, provide the balances and controls and prepare the count results for declaration.

Postal voting

19. Postal voting is becoming extremely popular, and the number of postal votes increases with each election. The existing 2013 fee scheme (see Appendix A) provided an allowance based on a fee per postal vote (B6a) or an hourly rate (B6b) which no longer reflects the costs associated with the volume of postal votes and complexity of the verification process. Postal vote opening requires teams of staff to work in the postal vote opening sessions to open, sort and scan the postal votes received. The number of postal votes opening sessions and the staff required is based on the election type and number of postal votes issued. The scheme for April 2021 replaces the 2013 scheme by removing the fee per postal vote and instead providing an hourly rate only for postal vote opening staff (B17, B18, B19) which is more relevant and transparent for this process.

Miscellaneous costs

20. Telephone cover (B20) is required between 6am-8.30am and 5pm-10pm on polling day to deal with any polling station staff queries and any elector queries.

21. It is paramount that any election documentation complies with current legislation and that the information is accurate and correct. The data files need to be produced, checked and securely transferred to the print company within specified timescales to meet agreed contract requirements. As such, and particularly if there are multiple elections, this work is normally conducted outside of normal working hours. The fees for this (B21, B22, B23) reflect this very important job.
22. Clerical assistance provides a budgeted amount to use for ad hoc jobs that may be required and not covered within the roles already indicated in the scheme. This figure has been increased from £60 per 1,000 electors (or part thereof) to £100 per 1,000 electors (or part thereof).
23. Mileage rates (B26) continue to tie in with HMRC rates and are a reduction of 2p per mile from 2013.
24. An allowance has been made for polling staff where there are combined elections held on the same day (column J). This is to recognise the additional work and complexity of multiple elections on the same day.

Actual and Necessary

25. The items listed from C1-C15 are the extra costs that are currently incurred and provided by external services. Additional items have been added since 2013 which are printing and collation of postal vote packs (C4); Covid-19 related costs (C13); online polling station training provisions (C14); the transportation of equipment to and from venues (C15 and C16); confidential storage and disposal of election paperwork (C12).

Uncontested Elections

26. There are occasions when there are a lesser or equal number of candidates as vacancies. This means the candidates are elected unopposed and an election will not take place. Although no election takes place, much of the preparatory work to organise and run the election will have already taken place. This work must then be unpicked by cancelling all the arrangements made and informing relevant stakeholders that the election will not proceed. There will be set-up costs incurred by the print company for early preparation of poll cards and/or postal vote stationery. This is a necessary requirement to produce at an early stage of the election process to ensure they can be sent out in a timely manner in accordance with Electoral Commission guidance and on the assumption the election would be contested. The costs also include secure storage and subsequent destruction of election paperwork in accordance with legislation. The inclusion of all these costs for uncontested elections (D1-D3) better reflects the true expenditure incurred.

Countermanded/Postponed polls

27. Countermanded polls occur when a candidate dies during the election process. The costs incurred depend upon the stage reached in the election process and the fees (E1-E4) account for the different scenarios.

28. Apart from adjournment to a poll on polling day due to a riot or violence at a polling station, there is no legal provision to postpone elections or neighbourhood planning referendums unless emergency legislation is passed to enact this, with the Covid-19 pandemic being a prime example. It is important to note that as soon as the election timetable commences, costs will be incurred to a varying degree up until the effective date of the postponement. It would therefore be prudent to include this within the scheme for contingency purposes, so this has been referenced with countermanded elections (E1-E4).

Parish Polls

29. Parish polls can be demanded under the Local Government Act 1972 and are regulated by their own set of rules. With changes in election regulations over the last few years, parish polls retain a lot of the characteristics of elections from many years ago, e.g. no postal voting, no poll cards. Ballot papers have counterfoils, and stamping instruments are still used.
30. The present scale of fees and charges have been updated for parish polls to reflect half the fee of the new Presiding Officer and Poll Clerk rates because polling hours are reduced to 4pm to 9pm. However, as the count is the same as a parish election then they will match the parish fees.

Overview and Scrutiny Engagement

31. Arrangements will be made for Overview and Scrutiny to be briefed as required.

Safeguarding Implications

32. There are no safeguarding implications.

Public Health Implications

33. There are no public health implications.

Procurement Implications

34. There are no procurement implications.

Equalities Impact of the Proposal

35. None.

Environmental and Climate Change Considerations

36. None

Risks that may arise if the proposed decision and related work is not taken

37. Pay rates may not meet the minimum wage rate.
38. Difficulty in recruiting staff if pay levels remain at 2013 rates.
39. Failure to run elections if unable to recruit to the roles required.

40. The full cost of elections will not be identified.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

41. No significant risks identified.

Financial Implications

42. The fees and charges have been updated as set out in the report and appendices to reflect the increased costs of running elections.
43. There is a combined budget and earmarked reserve allocation of £1.2 million for 21/22 planned council elections.
44. There will be increased costs for the 2021 elections as a result of COVID-19 to ensure that the Council is compliant with any Government guidance, including in relation to social distancing. This could mean additional cleaning, restrictions and resource requirement.

Legal Implications

45. It is not a legal requirement to have a scale of fees and charges for local elections, but having one effectively regulates the Returning Officer's maximum expenditure to be paid by the Council and provides transparency on costs.
46. Legal advice confirms that the payments to the Returning Officer and Deputies with Full Powers are currently superannuable, and the relevant deductions have been made since 2009

Workforce Implications

47. There are no workforce implications.

Options Considered

48. No other options considered.

Conclusions

49. To invite Cabinet to recommend Council to approve the 2021 Returning Officer's scale of fees and charges scheme to run elections and referendums effective from 1 April 2021.

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Appendices

Appendix A – 2013 scheme

Appendix B – Proposed 2021 scheme

Appendix C – comparison of 2013 and 2021 schemes

Background Papers

The following unpublished documents have been relied on in the preparation of this report:

None