

Report to: Personnel Committee



Date of Meeting 28/11/2022

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

District & Parish Council Elections – Scale of Fees

Report summary:

To propose an updated scale of fees following recommendations adopted by the Audit & Governance Committee

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

1. That the updated Scale of Fees set out in Appendix 2 be recommended for approval and that when approved the Scale of Fees is published on the Council's website;
2. To give consideration to recommending an enhanced level of payment to Presiding Officers, Poll Clerks and Count staff (as set out in paragraph 8) to ensure that the Returning Officer can employ sufficient staff to run the District and Parish Council Elections

Reason for recommendation:

To ensure that the Returning Officer can comply with his statutory obligations

Officer: Mark Williams, Returning Officer

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Democracy, Transparency and Communications
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

Equalities impact Low Impact

Climate change Low Impact

Risk: Medium Risk; An updated and relevant scale of fees is designed to ensure that elections can be effectively undertaken. The risk is that if the scale of fees is inadequate and the Returning Officer cannot employ enough staff then the Council's reputation will be adversely affected.

Links to background information As set out in the report

Link to [Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
 - A greener East Devon
 - A resilient economy
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Report in full

1. At its meeting in January 2022 the Audit & Governance Committee received the report of our internal auditors into Election Expenditure. The report provided reasonable assurance and a copy of the report as presented is attached as Appendix 1. Reference is made to the agreed action on page 2 that: 'The Returning Officer will prepare a revised scale of fees for 2023 elections...and will also publish the Scale of Fees on the website'.
2. In terms of relevant context, the local authority is required to appoint a Returning Officer to conduct elections on its' behalf. The Returning Officer is personally, not corporately, responsible for the delivery of elections and although they must be an employee of the Council at the time of an election, their responsibility and accountability for the running of an election is totally separate to their local authority duties. A Returning Officer may be held personally liable by the courts for any failure in their duty. Returning Officers must be impartial and ensure that elections are run in accordance with law. A Returning Officer appointed by a District Council will also act as Returning Officer for each Town and Parish election held within the District Council's area and will undertake the role of Deputy Returning Officer for County Council elections, Acting Returning Officer for Parliamentary elections, Local Returning Officer for the election of a Police and Crime Commissioner, and Counting Officer for national and local referenda.
3. Returning Officers are responsible for delivering fair and open elections that deliver accurate results which are not challenged. In order to run local elections, the Returning Officer needs to directly employ and pay in excess of 600 staff with differing levels of responsibility, and hire a sufficient number of venues to use as polling stations and count centres. Any staff employed in the running of an election are considered in law as employees of the Returning Officer, not the local authority, and the Returning Officer is responsible for meeting all employment requirements and obligations, including the right to work, holiday pay entitlement and access to a pension scheme. The Returning Officer is therefore entitled to recover a fee which recognises the level of responsibility and independent nature of the post, so it is important this is done fairly and transparently.
4. The Council's finance team has now prepared a revised and updated Scale of Fees (attached as Appendix 2) which takes account of relevant benchmarking information but mainly applies a % increase based on Annual Pay awards since 2018. In addition fees for Poll Clerks are based on the Real Living Wage.
5. My experience as Returning Officer over recent years has been that it is increasingly difficult to recruit sufficient staff to commit to all the necessary tasks involved in running multiple elections, (for example, depending on how many district wards and parishes are contested, there may be upwards of 60+ elections being held on a single day). The reasons for this are several fold but essentially pay rates haven't kept pace with wider market forces. In addition,

the pool of staff with relevant expertise (mainly employees of EDDC, retirees or bank staff) has not been replenished with younger people able to take time off or interested in the election process; the work is considered to be more onerous as a result of various legal and other changes which have made the role of Presiding Officer and Poll Clerk increasingly challenging; staff experience greater levels of confrontation in some polling stations; and wider societal changes suggest a lack of regard for the important work that is undertaken during the election process.

6. The reality of this is that I have struggled to ensure sufficient levels of staff are available to run elections. The recent by-election for the Newton Poppleford & Harpford ward is a case in point. Normally I would have 2 polling stations in the building to comply with recommended guidelines but as matters transpired I could only recruit a single PO/PC team for one polling station in the Village Hall.
7. Looking ahead to the 4th May 2023 elections it has been confirmed that the Coronation of King Charles III will take place on the 6th May and the 8th May will be a bank holiday. As a consequence of this I am currently assuming that counting will have to take place throughout the night of the 4th and for the whole of the 5th in order to ensure the various counts are completed before the weekend. This will increase the pressure on having sufficient numbers of staff available.
8. As a consequence of this I would wish the Committee to consider enhanced levels of pay for Presiding Officers, Poll Clerks & Count Staff over and above those set out in Appendix 2. My suggested levels of pay are as follows:

Presiding Officers - £350

Poll Clerks - £225

Counters day rate (9am to 5pm) - £14/hour

Counters evening rate (5pm to 9am) - £22/hour

Counters weekend rate £25/hour

Financial implications:

The Scale of Fees were last revised in 2017. The Basis of some of the proposed scale of fees includes an increase in line with annual pay award since 2018 – 2022 currently at 14.58%. If the proposed scale of costs is accepted it is recommended that the Returning Officer's fee is increased in line with the average annual pay award which is normally less than inflation. EDDC works towards becoming a real living wage employer as of 1st April 2023 therefore the amount to be paid for Poll Clerk duties have been accounted to reflect this in the proposal.

The legal requirement to pay holiday pay to election staff this is shown inclusive of the election fee whilst ensuring the minimum wage is met, will add up to 14.5% to some staff fees. There is also a financial implication for Town and Parish Councils within East Devon, although there is already a discount applied to the fees charged to Town and Parish Councils. Town and Parish Councils are likely to see a similar overall percentage increase to the District Council, although a number of parishes will have uncontested elections in which case a nominal fee is levied.

In 2019 the actual spend for Elections was £168K. Based on an anticipated overall increase in Supplies and Services and in the recommendation of increasing Scale of Fees we would expect the council to set a budget of £192K in 2023 this is an increase of 14.57% from 2019. We have also included a budget for Town and Parish that will be recharged for Town and Parish income contribution this which will reduce the Net effect of District Elections by -£23,920. If the enhanced

levels of Pay are considered per section 8 of this report this will be an additional cost of £14,112 to the proposed budget for 2023 totalling £206K without taking into account the income contribution from Town and Parish elections. In line with previous election costs that relate to EDDC these will be funded from the General Fund Balance as they occur only every 4 years.

Legal implications:

The Scale of Fees must be approved by Council but otherwise the legal position is detailed in the report and no further comment is required.