



Personnel Sub-Committee – 23 April 2013

Returning Officer Fees and Expenses

Purpose of report: This paper sets out how the Returning Officer (RO) is remunerated for various elections. To ensure openness and transparency, this report confirms the requirement for the fees payable to the RO for District and Parish Council elections to be approved by the full Council, in accordance with the council's Pay Policy.

Attachment(s)

Appendix A – Returning Officer's Scale of Fees at other local authorities

1.0 Background

- 1.1 The Representation of the People Act 1983 requires each council to appoint an officer of the authority as Returning Officer (RO) in order to undertake various statutory responsibilities in relation to election procedures.
- 1.2 ENC's RO is the Chief Executive, which is confirmed in the job description for the post under "other duties". It states that the post holder will be "Electoral Registration Officer and Returning Officer on behalf of the authority." These appointments are also confirmed within the Council's Constitution.
- 1.3 Fees, in addition to salary, are paid to the individual undertaking the role of RO. This practice happens nationally and the fees are paid in a variety of ways depending on the type of election that is taking place. The Electoral Claims Unit (ECU) pays for national referenda, the Police and Crime Commissioner (PCC) and European elections fees are determined according to the Fees and Charges Order from the Secretary of State, the County Council pays for its elections and Town and Parish Councils pay for their elections. ENC is only responsible for paying RO fees for District Council elections.
- 1.4 Table 1 below shows who is usually the RO for each type of election.

Type of election	Returning Officer
Parliamentary	Acting RO appointed by Corby Borough Council and Acting RO appointed by the Borough Council of Wellingborough.
European	A Regional RO for the East Midlands is appointed by the Cabinet Office. In East Northamptonshire, the Chief Executive acts as the Local Returning Officer (LRO) for this authority area.
County Council	The RO appointed by Northamptonshire County Council (NCC), ordinarily NCC's Chief Executive. In East Northamptonshire, the Chief Executive is a Deputy Returning Officer (DRO) for this authority area.
Police and Crime Commissioner	A Police Area RO for Northamptonshire is appointed by the Home Secretary. In East Northamptonshire, the Chief Executive acts as the LRO for this authority area.
District Council	Chief Executive of ENC
Town/Parish Council	Chief Executive of ENC

Table 1 – confirmation of who undertakes the role of Returning Officer

2.0 Returning Officer Fees

- 2.1 ENC is only responsible for setting RO fees for Town and Parish Council's and District Council elections, all others are set either nationally or by other Local Authorities who have responsibility for the election taking place. This section of the report will therefore only focus on those fees that ENC has control over and is responsible for setting.
- 2.2 Research has identified that the last time a report was submitted to a committee in respect of RO fees was 9 November 1992. Since then, the payment structure has remained the same, but uplifts in the fee levels appear to have been made in accordance with salary rises. Table 2 below provides details of the payment structure and existing fee values.

<p>Part 1 (RO or deputy where appropriate) for carrying out the election to include fee for:</p> <ul style="list-style-type: none"> - The issue, preparation for signature and receipt of nomination papers and receipt of notices of withdrawal - For adjudicating on validity of nomination papers, giving notice to candidates nominated and publication of statement of persons nominated. 		
Nature of Expenditure	District Council	Town/Parish Council
Uncontested election:	£75.74 (fee per Ward)	£33.42 (fee per Parish or Ward of Parish)
Contested election:		
Number of electors not exceeding 1000	£126.45	£69.94
Number of electors exceeding 1000, for each additional 500 or part thereof	£37.43	£6.63
<p>Part 2 supervising the counting of votes, deciding on the validity of ballot papers, declaring the result of the poll and reporting thereon to the RO and giving public notice of the name of the candidate elected and of the number of votes given for each candidate.</p>		
Nature of Expenditure	District Council	Town/Parish Council
	£51.06 (for Ward returning one Member)	£49.35 (for Council not exceeding eight Members)
	£4.57 (other Wards – per candidate in excess of two)	£4.39 (other Councils – per member in excess of eight)

Table 2 – current Returning Officer payment structure and fee values

- 2.3 You will note that the payment structure is based on a number of variables:
- whether the election is contested or uncontested
 - the total number of electors
 - whether it is a District or Town/Parish Council election
 - the number of candidates and Members.

This type of payment structure is used by a number of other Local Authorities including:

- All local authorities in Hampshire and the Isle of Wight
- All local authorities in Leicestershire
- All local authorities in Nottinghamshire
- Cherwell and South Northamptonshire District Councils
- North Hertfordshire District Council
- Uttlesford District Council.

2.4 There isn't currently a consistent approach to the setting of Returning Officer's fees for local elections across the local authorities in Northamptonshire. Discussions are currently taking place across Northamptonshire with electoral administrators to see if it is possible to achieve a consistent approach to fee reviews to provide enhanced transparency.

3.0 What needs to happen now?

3.1 The Personnel Sub-Committee (PSC) is asked to note the existing payment structure and fee values from the last all-out district and parish elections in 2011. It is considered prudent for this Sub-Committee to recommend the adoption of these fees in accordance with the statutory requirements of electoral law and the provisions of the authority's pay policy. This will also provide the necessary transparency and audit trail which is in place in other local authorities.

3.2 As this is the first committee report on RO fees since 1992, the current priority is to ensure that a process is established for Members to determine future fees. It is considered that Members can pursue one of the following options:

- Continue with the current practice of increasing fees in line with any Senior Officer salary rises (% equivalent).
- Await the outcome of discussions with electoral administrators across Northamptonshire to establish a county-wide fee schedule.
- Review the fees on four-yearly basis at least 12 months ahead of the scheduled all-out district and parish elections (the next elections are scheduled for 7 May 2015).

4.0 Equality and Diversity Implications

4.1 There are no known equality and diversity implications.

5.0 Legal Implications

5.1 There could be legal implications if changes are made to an individual's terms and conditions of employment. For example, it would not be possible to simply remove RO fees. A full assessment of the legal implications will be made when Councillors have decided how they want to proceed.

6.0 Financial Implications

6.1 As RO fees are already paid, there are no immediate financial implications associated with this report. There could, however, be financial implications in the future, but this will depend on:

- What controls are put into place in respect of changing RO fees
- Whether Councillors wish to undertake a broader review of those RO fees that the District has control over.

7.0 Risk Implications

7.1 The risks associated with this report are identified within paragraph 5.1 and paragraph 6.1 above.

8.0 Recommendations

8.1 Councillors are asked to:

- 1) Recommend the current schedule of fees for approval in accordance with statute and the authority's pay policy.
- 2) Decide on the method of review for RO fees in future years.

(Reason: to ensure ENC fees are appropriately set and openness and transparency in decision-making.)

Legal	Power: The Representation of the People Act 1983 (as amended)				
	Other considerations:				
Background Papers:					
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Date: 10 April 2013					
CFO		MO		CX	

(Committee Report Normal Rev. 22)

Appendix A – Returning Officer Fees from other authorities

Cherwell Election Fees Schedule

District Council Elections

	1 member ward	2 member ward	3 or more member ward
RO Election Fee (Uncontested)	£43.75	£87.50	£131.25
RO Fee (Contested)	£90.90	£181.80	£272.70
RO Count Fee	£58.00	£116.00	£174.00
RO Recount Fee	£14.00 for each re-count		

Parish Elections

	Electorate 1000 or less	Electorate 1000 to 2000	Electorate 2000 to 3000	Electorate Greater than 3000
RO Election Fee (Uncontested)	£26.00			
RO Election Fee (Contested)	£54.60 and £11.95 per electoral area			
RO Count Fee for electoral areas of two or less seats	£40.20	£43.30	£45.30	£50.50
RO Count fee for electoral areas of more than two seats	£45.30	£53.60	£60.80	£68.00
RO Recount Fee	£14.00 for each re-count			

Leicestershire Schedule of Returning Officer Fees

Description of Duties	Fee
Returning Officer fee (including all disbursements and expenses not otherwise provided for in this scale) in the case of a contested election for all duties preparatory to taking the Poll and Counting of the votes and making the return of the election for each 500 local government electors or part thereof on the Register of Electors for each ward separately returning a Councillor or Councillors	£56.77
Returning Officer's fee in the case of an uncontested election – for each division separately returning a Councillor or Concillors	£54.37

North Hertfordshire Scale of Returning Officer Fees

Description	Fee
(a) For each contested ward:	
- Up to 1000 electors	£82.31
- For each additional 1000 electors or part of	£39.98
(b) For each un-contested ward/parish	£30.58
(c) Where polls are combined	£29.40
(d) For each additional parish	£10.58

Nottinghamshire Scale of Elections Fees for Local Elections

Fee	Scale
Returning Officers Fee for the 1 st 1000 local electors	£102
Returning Officers Fee for each additional 1000 electors or part thereof per ward	£34
Returning Officers Fee for an uncontested election	£41.50
Returning Officers Clerical Fee per 1000 electors	£8.40
Returning Officers Fee for Postal Voting (issue and receipt)	£165

Notes

Additional fees may be paid to cover the actual and necessary costs incurred by the Returning Officer for all purposes including clerical assistance, in connection with the Election not already included in this scale.

Uttlesford District Council

Description	Fee
Fee for conducting the election and generally performing duties which a Returning Officer is required to perform under any enactments relating to Local Government Elections, other than any duties for which separate allowances are prescribed herein:-	
(a) for each electoral areas for which a contest takes places	£68.10
(b) at a contested election, for every 1,000 electors or part thereof within each electoral area	£23.90
(c) for each uncontested electoral area, countermanded election and elections at which there are insufficient valid nominations	£32.15