



**OPEN REPORT
GOVERNANCE AND RESOURCES COMMITTEE**

Governance and Resources Committee – 16 February 2023

RETURNING OFFICER'S FEES AND ARRANGEMENTS FOR ELECTIONS

Report of the Director of Corporate and Customer Services

Report Author and Contact Details

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Wards Affected

District wide

Report Summary

This report seeks approval of the fees that may be claimed by the Returning Officer for discharging their personal and statutory responsibilities in respect of the conduct of elections to the District Council and parish councils within the Derbyshire Dales.

Recommendations

1. That the maximum fee for contested district and parish council elections to be claimed by the Returning Officer be set at £52.60 per 1,000 electors
2. That the maximum fee for uncontested district and parish council elections to be claimed by the Returning Officer be set at £52.60 per electoral area.
3. That the maximum fee for the count to be claimed by the Returning Officer be set at £52.60 per electoral area contested.

List of Appendices

None

Background Papers

None

Consideration of report by Council or other committee

No

Council Approval Required

No

Exempt from Press or Public

No

Returning Officer's Fees and Arrangements for Elections

1. Background

- 1.1 The Representation of the People Act 1983 requires each Council to appoint an officer of the authority as Returning Officer to undertake various statutory duties in relation to election procedures. In addition, the Council must provide the Returning Officer with the necessary resources to enable efficient and lawful delivery of the elections. The Chief Executive has been appointed as Returning Officer by the District Council.
- 1.2 Every district council is required to appoint an Electoral Registration Officer (ERO) with personal responsibility to maintain the register of electors, conduct the annual canvass and encourage electors in the electoral process. Performance standards are set by the Electoral Commission. The ERO also discharges the responsibilities of the Acting Returning Officer at a UK Parliamentary election. This role is undertaken by the Director of Corporate and Customer Services at the District Council.

2. Key Issues

- 2.1 The Returning Officer is held personally responsible for the organisation and conduct of every election held within the District. As such the Returning Officer is entitled to a fee for:
 - conducting the election
 - giving the prescribed notices
 - preparing and supplying nomination papers
 - deciding as to the validity of nominations
 - appointing and remunerating Deputy Returning Officers
 - arranging for or conducting the poll
 - counting the votes
 - declaring the result and making a return of the same, and
 - generally performing all of the duties which a Returning Officer is required to perform under the Representation of the People Acts and Rules and Regulations made thereunder.
- 2.2 For national elections and referendums the fee paid to the Returning Officer is set by statute and paid by central Government. For local elections the fee is paid by the local authority.
- 2.3 The Representation of the People Act 1983 provides that all expenditure properly incurred by the Returning Officer in relation to an authority election shall be paid by the Council, in so far as such expenditure does not, in cases where there is a scale fixed for the purpose by the Council for that area, exceed that scale. There are similar provisions for the election of parish councillors, although there is discretion as to whether that cost should be reclaimed from the parish councils concerned.
- 2.4 The legislation therefore makes provision for a scale of expenses to be fixed for the purpose of determining the expenses which are to be met, although it does not require such a scale to be adopted. It also provides that, in cases where a scale has been fixed, such scale may not be exceeded.

- 2.5 Where combined polls are held, the legislation requires that election expenses be apportioned equally between such polls. However, not all functions at a combined poll are combined. The Council's scale of fees will therefore be used where costs are attributable to district ward elections, but parish election costs will be reclaimed from the parish councils concerned (unless the Council were to decide otherwise). If a contested parish poll does not take place, the costs reclaimed will be limited to the work involved in dealing with nominations, publishing notices, associated fees and incidental costs such as postage.
- 2.6 The current expenses that can be claimed by the Returning Officer in respect of district and parish elections are:

District Council Contested	Electorate / 1000 (rounded up) x £47.50 per contest
Parish Council Contested	Electorate / 1000 (rounded up) x £47.50 per contest
District Council Uncontested	£47.50 electoral area
Parish Council Uncontested	£47.50 electoral area
Count Fee	£47.50 per count

3. Options Considered and Recommended Proposal

- 3.1 The fees for the Returning Officer have not been reviewed for a number of years and it is important to keep these under review to avoid a need for a significant increase in fees. At the UK parliamentary election in December 2019, the Acting Returning Officer could claim a maximum amount of £52.60 per 1,000 electors, which represents a 10% increase on the current figure that can be claimed by the Returning Officer for district and parish elections.
- 3.2 If the Returning Officer fees were increased by 10% it has been calculated that this would result in an additional £775.20 if all parish council elections were uncontested. If the same number of parishes were contested in May 2023 as were in May 2019, this would result in an overall fee for the Returning Officer of just over £1,000 for parish elections.
- 3.3 With a UK parliamentary election required to be held by January 2025, it is expected that there will be an increase to the expenses that can be claimed by the Acting Returning Officer. It is therefore recommended that the maximum fees that can be claimed by the Returning Officer in respect of district and parish elections be increased to £52.60.

4. Consultation

- 4.1 No consultation has taken place in respect of this proposal.

5. Timetable for Implementation

- 5.1 Subject to the agreement of the Committee, the new scale of fees would be effective for the district and parish elections that are scheduled to take place on 4 May 2023.

6. Policy Implications

- 6.1 There are no policy implications associated with this proposal.

7. Financial and Resource Implications

- 7.1 The proposal would represent an increase in costs for the District Council, but this increase would be met from the existing budget for elections. The spending proposals for 2023/24, which are to be considered at the Council meeting on 2 March, include a proposed budget of £160,000 to cover District Council elections to be held in May 2023. This will be funded from the elections reserve. The authority has an elections reserve funded incrementally over a four year period to spread the cost of delivering whole Council elections in the fourth year. At the time of the May 2023 election, the elections reserve is forecast to have a balance of £218,000 (after the annual contribution for 2023/24) and there are no concerns in respect of the impact of this proposal. The financial risk is therefore assessed as low.

- 7.2 As detailed in the main body of this report above, it is essential that the Returning Officer has sufficient resources to undertake the various statutory duties at election times. This proposals within this report will enable the Returning Officer to meet their statutory duties.

8. Legal Advice and Implications

- 8.1 The Council has a statutory obligation under the Representation of the People Act 1983 to provide the necessary resources to the Returning Officer to carry out her duties and deliver an efficient and lawful election. The legal risk associated with this proposal is low.

9. Equalities Implications

- 9.1 An equality impact assessment has not been completed, but there are no anticipated impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

10. Climate Change Implications

- 10.1 There are no climate changes implications associated with the proposals within this report.

11. Risk Management

- 11.1 Delivery of a democratically sound and effective election is the overriding objective of the Returning Officer. There is a risk register and project plan in place for the management of the election. There are no risks directly associated with this report

Report Authorisation

Approvals obtained from:-

	Named Officer	Date
Chief Executive		
Director of Resources/ S.151 Officer (or Financial Services Manager)		
Monitoring Officer (or Legal Services Manager)	James McLaughlin	06/02/2023