

## **Returning Officer Fees for Local Elections**

### **Purpose**

- 1.1 This report outlines the current position relating to the payment of a fee in respect of the role of Returning Officer (RO) duties for the running of local elections.
- 1.2 The fee that the RO receives for running local elections is currently £340. A review is needed as the fee level is significantly out of line with the fees paid to ROs in other local authorities of similar size and composition.
- 1.3 This report provides information on the fee arrangements currently in place with other authorities and recommends a revised fee structure to adequately reflect the duties and personal responsibility relating to the RO role.

### **Recommendations**

- 2.1 To use the scale of fees adopted by local authorities in the eight other Derbyshire districts to determine the remuneration for the role of RO as shown at Appendix 1.
- 2.2 Using the fee structure as detailed at Appendix 1 for local elections, to approve the payment of the fee of £8,297.10 to the RO for the elections held on 4 May 2023. This is based on the eligible electorate size for the authority of 179,372.
- 2.3 To recognise that the next payment due to the RO for local elections would be for local elections held on 6 May 2027. If there is a by election during the intervening period, it is proposed that the RO receives a fee based on the ward electorate size and the fee scale contained at Appendix 1.
- 2.4 To review the RO fee annually on 1 April and apply the relevant national pay award percentage to ensure the fee is maintained in line with inflation.

### **Reasons**

- 3.1 The RO fee has been set at £340 per year since 2002 for local elections. This equates to £20 per ward for the 17 wards where Councillors have been elected annually in 3 out of 4 years.

This figure is not reflective of the personal responsibility and duties and skills required for the role, the recent boundary changes that have taken place across the city and the change to whole council elections.

- 3.2 The fee proposed would be payable for local elections, based on the electorate size, once in each four yearly election cycle and again, based on the electorate size for each by-election held.
- 3.2 The RO has the responsibility to ensure that the election is administered effectively and that the experience of voters is a positive one.

They are personally liable for the conduct of the election and are required to demonstrate robust planning and decision-making processes in the event of any challenge to the election process including:

- publishing notice of election
- administering the nomination process
- printing of ballot papers
- publishing notice of poll
- provision of polling stations
- appointing polling station staff (Presiding Officers and Poll Clerks)
- managing the postal vote process
- verifying and counting the votes
- declaring the result.

Section 63(1) and (3) (b) of the Representation of the People Act (1983) states that If the Returning Officer or appointed deputies are, without reasonable cause, guilty of an act or omission in breach of official duty they are liable to summary conviction and unlimited fine.

- 3.3 The role of the RO is entirely separate to that of the postholder's responsibilities as a local government officer. The Returning Officer is not directly responsible to the local authority and is instead directly accountable to the courts as an independent statutory office holder.
- 3.4 As a result of the degree of personal liability and unique legal status, local authorities are required to have an appropriate fee structure in place for RO fees and associated expenses as determined by Section 36(4) and 36(5) of the Representation of the People Act 1983.
- 3.5 Fees for ROs are generally proportionate to the authority electorate size. In some authorities, for example Nottingham City Council, the RO Fee is incorporated into the salary of the officer taking on these duties. In others the fee is determined separately through fee structures, examples of which are contained in the document at Appendix 2.
- 3.6 A recent exercise in comparing arrangement of RO fees for nearby and similar sized authorities has concluded that the current rate of pay does not reflect the personal

responsibility and expertise required of the role and is significantly out of line with fees paid by other local authorities.

- 3.7 The RO receives a fee determined by the Department for Levelling Up, Housing and Communities for the running of national elections such as Parliamentary or Police and Crime Commissioner (PCC). The rate paid for these elections is equivalent to the proposed rate of pay of £8,297.31 for the running of each local election from 4 May 2023.
- 3.7 The fees payable to the RO for running recent national elections are as follows:
- 2019 Parliamentary Election: £9,968 with responsibility for three Parliamentary Constituencies.
  - 2021 PCC Election: £9,073 with responsibility for the local authority area as part of a wider regional election.

Whilst Parliamentary Elections usually have a higher turnout and have different complexities, the local elections are also complex in nature. At the 2023 local elections, 209 candidates stood across 18 wards. In comparison, at the 2021 PCC election there were four candidates and in the 2019 Parliamentary Election there were 14 candidates. The substantial number of candidates adds complexity and risk to all elements of electoral administration and it is appropriate that this is recognised in the fee structure adopted by the Council. The current RO fee of £340 for local elections does not adequately reflect these duties and responsibilities.

## **Supporting information**

- 4.1 Proposed fee scales for RO remuneration are attached at Appendix 1.
- 4.2 Information from Comparator authorities is included at Appendix 2.

## **Public/stakeholder engagement**

- 5.1 Authorities in Derbyshire, Leicestershire and Nottinghamshire have been consulted along with Leicester City and Milton Keynes as Unitary authorities with similar election types. Fee comparisons based on the electorate numbers for Derby City Council are shown at Appendix 2.

## **Other options**

- 6.1 For the RO fee to remain at £340 per year. This is not advised for the reasons outlined in this report.
- 6.2 To adopt the Nottinghamshire fee structure at £7,964.16 based on the current electorate and wards for Derby City Council.
- 6.3 To adopt the Milton Keynes fee structure at £8,735.05 based on current electorate and wards for Derby City Council.

- 6.4 To adopt the Leicester City fee structure at £15,540.79 based on current electorate and wards for Derby City Council.

### **Financial and value for money issues**

- 7.1 The proposed fee can be contained within the Conduct of Elections budget. The fee is only payable on a four yearly basis when local elections take place, or for by elections where a single ward has an election.

### **Legal implications**

- 8.1 The proposal is in line with Section 36(4) and 36(5) of the Representation of the People Act 1983.

### **Climate implications**

- 9.1 None directly arising.

### **Socio-Economic implications**

- 10.1 None directly arising.

### **Other significant implications**

- 11.1 Failure to adopt a fee structure that is commensurate with other local authorities or that is in proportion to the level of responsibility will disadvantage the Council in the recruitment and retention of individuals qualified to undertake the role.

**This report has been approved by the following people:**

<b>Role</b>	<b>Name</b>	<b>Date of sign-off</b>
<b>Legal</b>	Olu Idowu, Head of Legal Services	29/07/2023
<b>Finance</b>		
<b>Service Director(s)</b>		
<b>Report sponsor</b>	Paul Simpson, Chief Executive	29/07/2023
<b>Other(s)</b>	Alex Hough, Head of Democracy	29/07/2023

  

<b>Background papers:</b>	<a href="https://www.electoralcommission.org.uk/guidance-returning-officers-administering-local-government-elections-england/returning-officer">https://www.electoralcommission.org.uk/guidance-returning-officers-administering-local-government-elections-england/returning-officer</a>
<b>List of appendices:</b>	Appendix 1– Proposed fee scale for Returning Officer remuneration. Appendix 2 - Information relating to comparator authority groups