

RECORD OF DECISION MADE UNDER DELEGATED AUTHORITY

PART 1 – PUBLIC DOCUMENT

Any interest to declare/ or conflict and any dispensation granted [N/A]

SERVICE DIRECTORATE: LEGAL AND COMMUNITY

1. DECISION TAKEN

- 1.1 To apply a blanket 45p/mile travel rate for all Presiding Officers applicable to those working at the General Election on 4 July 2024. This will be applied for a presiding officer to collect a ballot box and to travel to and from the polling station to the count location.

2. DECISION TAKER

Anthony Roche, Managing Director.

3. DATE DECISION TAKEN:

3 July 24

4. REASON FOR DECISION

- 4.1 To provide suitable compensation to Presiding Officers, and better align to neighbouring authorities payments for those Parliamentary constituencies that fall between different neighbouring authorities – i.e. “take on areas”, further distances to travel and varying payment rates. These are also more difficult to fill role due to the experience and skills required. The scale of fees was also previously set by Council before payment of such travel expenses was confirmed by DLUHC. The Council will therefore apply to recover these payments, from central government, post-election.

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1 To continue with the fees approved by Council.

6. CONSULTATION (INCLUDING THE EFFECT ON STAKEHOLDERS, PARTNERS AND THE PUBLIC)

- 6.1 There is no requirement for Full Council to agree the scale of fees. However, this is a non-executive decision and for transparency and good practice the Scale of Fees for local electoral events are generally presented to Full Council for approval. These Fees were last set by Council as per the Background papers/ link below.
- 6.2 Given the short notice of when the General Election has been called, there is insufficient time to address the matter of the inconsistencies between the fees paid to Presiding Officers by the take on authorities, by Full Council.
- 6.3 The matter was discussed at the recent Elections Project Board meeting.
- 6.4 The inconsistencies in the fees were highlighted to the Department for Levelling Up, Housing and Communities (DLUHC).

6.5 The Leader of Council has been consulted on this matter.

7. FORWARD PLAN

7.1 This decision is not a key Executive decision and has therefore not been referred to in the Forward Plan.

8. BACKGROUND/ RELEVANT CONSIDERATIONS

8.1 Each Local Authority is required to appoint a Returning Officer (RO). The RO is appointed in an independent capacity by the Council to organise and run elections free from the political structure of the authority. Councils must provide their RO with the resources they need to run elections. This includes the cost of recruiting and paying staff to act as Presiding Officers and Poll Clerks, along with any other ancillary staff necessary for the success of a poll.

8.2 For national polls the government issues a Fees and Charges schedule which identifies for each authority a "maximum recoverable amount" along with a fee which may be claimed by the appointed RO for the rendering of their services. The RO will pay their appointed staff from the monies provided by government and will account for their expenditure by way of a return to the Election Claims Unit (ECU) at the Cabinet Office.

8.3 DLUHC have introduced indicative fees for all elections roles at polls which they fund. This introduced set fees which should be paid to elections staff at UK Parliamentary elections, Police and Crime Commissioner elections and national referenda.

8.4 For all such national elections, the RO will be expected to adhere to the range proposed for each role by the DLUHC. To pay outside of this range will require special agreement from the ECU or risk the ECU refusing to reimburse the difference where roles exceed their expected amounts.

8.5 No such formal structure exists for local elections, which is why a local scale of election fees is required to cover staff costs associated with the administration of elections and other electoral events, e.g., County Council elections, District Council elections, Town and Parish elections, Neighbourhood Planning Referendums or Town/Parish Poll.

8.6 Although local elections are not formally subject to the same fees as national elections, in practice the scale of fees are uniform across all election types as having separate fees for local and national elections causes confusion and major issues with staffing elections which pay different amounts to those held either at the same time or in other years.

8.7 Given the cross boundaries involved at a UK Parliamentary Election and the significant increase in the number of polling stations on 4 July, the RO has appointed Presiding Officers from other neighbouring authorities that usually work at the respective authorities local elections.

8.8 DLUHC have introduced indicative fees, not set fees and therefore the scale of fees differs between each of the take on neighbouring authorities. (Those authorities that fall within the parliamentary constituency boundary for which the North Hertfordshire Returning Officer administers). The difference is at least £20 and the proposal will assist to address the difference in fees.

8.10 Presiding Officers have been appointed on the North Herts Council scale of fees. However, to ensure the retention of Presiding Officers which is a very challenging role to fill, and as Presiding Officers have responsibility to collect the ballot box and later

deliver the ballot box to the count location, there is an increased travel cost to these roles both for our staff as well as the take on authorities.

9. LEGAL IMPLICATIONS

9.1. The Democratic Services Manager has been appointed as RO as per section 14.6.13 of the Constitution.

9.2. There is no specific delegation to set fees for elections. The RO has responsibility for elections, although setting their own fees is not recommended. Section 14.5.1 further provides "All those functions relating to elections" falls to the Council or Service Director: Legal & Community, as an effective default. However the Service Director is the Deputy RO under the Constitution and by default RO in situations of absence of the RO. It is therefore inappropriate for her to exercise these functions in this instance. In such situations where neither Council nor the designated officer may exercise such non-Executive functions, the Managing Director may do so as per 14.6.2 below, to ensure that a decision is taken in advance of the election.

9.3. 14.6.2 of the Constitution refers to:

14.6.2.(f) The Managing Director may exercise any of the delegated powers in this scheme or may authorise one officer to carry out the functions of another absent officer.

14.6.2 (a) (iv) In cases of emergency or urgency (where possible in consultation with the Leader of the Council) to carry out any Council or Executive function, power or duty.

10. FINANCIAL IMPLICATIONS

10.1 The Electoral Commission recommends ratios when allocating electors and staff to Polling Stations which dictates that each Polling Station requires a Presiding Officer and between 1 and 3 Poll Clerks.

10.2 At the General Election it is necessary to appoint 130 Presiding Officers, of which 18 are Presiding Officers from Central Bedfordshire and 37 are Presiding Officers from East Hertfordshire.

10.3 The financial implication of 45p/mile is unknown as Presiding Officers are travelling a variety of distances. However, within the DLUHC Guidance to Staff, ROs can be *'reimbursed for necessary travel costs paid to polling station inspectors and presiding officers. These costs may include, for example, costs for a presiding officer to travel to and from the polling station, including travel in advance of polling day, or for any necessary travel required to collect or transport ballot boxes and equipment'*.

11. RISK IMPLICATIONS

11.1 Good Risk Management supports and enhances the decision-making process, increasing the likelihood of the Council meeting its objectives and enabling it to respond quickly and effectively to change. When taking decisions, risks and opportunities must be considered.

11.2 Staffing the polling stations is extremely challenging, especially recruiting Presiding Officers, and with any level of experience. This is in addition to the significant resource taken with the already stretched electoral services team to firstly recruit staff to the hundreds of roles, all associated recruitment matters i.e. right to work checks and then finding alternative staff for which there is no reserve.

- 11.3 The Council needs to ensure it complies with statutory requirements. One element of this is to ensure that it has sufficient staff required to operate an election. Staffing of polling station roles continues to present one of the biggest challenges in the running of elections. Whilst other factors such as the hours of work and working environment contribute to this.
- 11.4 The impact of the Elections Act has also increased the complexity in the administration for polling station staff (Presiding Officers, Poll Clerks and Polling station Inspectors), who are now expected to, amongst other reforms, verify the identity of every voter before a ballot paper is issued.
- 11.5 The RO heavily relies on the usual polling station staff from the take on authorities to staff the increased number of polling stations at a general election. Without the offer of the travel fee there is a significant risk that they will decide not to undertake the role.
- 11.6 As with every election that is funded by central government a claim is required to be submitted to the ECU which is subject to various levels of scrutiny and may not be reimbursed in full and has been known to take years to settle.
- 11.7 This change may cause an expectation that this will be applied to future elections, including district elections. For those elections, the costs incurred will not be fully reimbursed. It may be possible to share the increased cost, e.g., where aligned with PCC elections.

12. EQUALITIES IMPLICATIONS

- 12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2 Given that there has been a change in count location for all staff, not just those from the take on authorities, it is only fair that the travel allowance be available for all Presiding Officers.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 The Social Value Act and “go local” policy do not apply to this decision.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1. There are no known Environmental impacts or requirements that apply to *this report*.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 There are no human resource implications, other than those set out.
- 15.2 Staff that have been appointed have been issued with letters of appointment.

16. BACKGROUND PAPERS

- 16.1 [Agenda for Council on Thursday, 23rd November, 2023, 7.30 pm | North Herts Council \(north-herts.gov.uk\)](#) Minute 249 refers – Electoral Services – Scale of Fees 2024/25

17. APPENDICES

- 17.1 None.

NOTIFICATION DATE

Date sent to all Members, put on website and appears in MIS – Committee, Member & Scrutiny Services can confirm this with you,

Signature of Decision Taker 

Please Note: that *unless urgency provisions apply* EXECUTIVE decisions cannot be implemented until 5 clear working days have elapsed after the decision has been taken to allow for scrutiny call-in.

Call-in does not apply to NON-EXECUTIVE DECISIONS