



Agenda

Meeting Standards and Governance Committee

Venue: Special Meeting, Meeting Room 4, County Hall, Northallerton, DL7 8AD

Date: Wednesday, 17 May 2023

Time: 9.30 am

County Councillors: Nick Brown, Sam Cross, Melanie Davis, Clive Pearson (Chairman), Heather Phillips and Monika Slater.

Independent Persons for Standards: Hilary Gilbertson (Independent Member) and Louise Holroyd (Independent Member).

Members of the public are entitled to attend this meeting as observers for all those items taken in open session. Please contact the Democratic Services Officer whose details are at the foot of the first page of the agenda if you would like to find out more.

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Business

1. **Welcome and apologies**
2. **Appointment of Deputy Electoral Registration Officer - Additional Duties under the Elections Act 2022** (Pages 3 - 6)
Report of the Assistant Chief Executive (Legal & Democratic Services).
3. **Approval of interim schedule of election fees for upcoming by-elections** (Pages 7 - 10)
Report of the Assistant Chief Executive (Legal & Democratic Services).
4. **Any other items**
5. **Date of Next Meeting**
Wednesday, 05 July 2023 at 3:00pm

Barry Khan
Assistant Chief Executive
(Legal and Democratic Services)

County Hall
Northallerton

09 May 2023

North Yorkshire Council

Standards & Governance Committee

17 May 2023

Appointment of Deputy Electoral Registration Officer - Additional Duties under the Elections Act 2022

Report of the Assistant Chief Executive Legal & Democratic Services

1.0 PURPOSE OF REPORT

- 1.1 The Committee are asked to agree to delegate to the Electoral Registration Officer (ERO) the power to appoint one or more deputies and to revoke or vary such appointments as necessary. This is because the Elections Act 2022 places further obligations on the ERO, which it would be more practical for a number of deputies to undertake in locations across North Yorkshire.

2.0 BACKGROUND

- 3.1 Under Section 8(2) of the Representation of the People Act 1983, the Council must appoint a senior officer to the position of ERO. This position is responsible for maintaining and publishing the register of electors for the area. The Chief Executive is the appointed ERO.
- 3.2 Under Section 52(2) of the Representation of the People Act 1983, the Council may approve the appointment of Deputy EROs to perform and exercise any of the duties and powers of the ERO. Council has delegated election functions which it is necessary for the Council to decide to this Committee which includes the appointment of deputy EROs.
- 3.3 To date Council has appointed one deputy being the Assistant Chief Executive Legal & Democratic Services. However, the further obligations placed on EROs by the Elections Act 2022, including obligations around implementing the requirement for voter identification at polling stations, means it will be more practical to appoint more deputy EROs at locations across North Yorkshire.
- 3.4 Unlike Returning Officers, the ERO cannot appoint a deputy themselves, unless the power to do so has been delegated to them, hence asking this committee to delegate the power.

Voter Identification at Polling Stations

- 3.5 From May 2023 individuals, who wish to vote in person, including those acting as a proxy on behalf of another individual, will be required to produce an accepted form of photographic ID to prove their identity before they will be issued with a ballot paper.
- 3.6 Where an individual does not have or does not wish to use one of the accepted forms of photographic ID, they can apply for a Voter Authority Certificate. This is a document containing an elector's name and photograph which can be obtained free of charge from their ERO, following verification of an applicant's identity.
- 3.7 Where a permanent Voter Authority Certificate has been issued (printed by the centrally procured supplier appointed by DLUHC) between 5pm 6 working days before an election and 5pm on the day of the election, and the ERO is satisfied that it may not be delivered to an

applicant in time to be used on polling day or for a petition, a temporary Voter Authority Certificate may also be produced and issued locally, up until the close of poll on the date of the relevant poll. A decision on whether a temporary Voter Authority Certificate is needed may be due to the proximity of the forthcoming polling day or final day of petition, or it could be because you are aware of another issue, such as a postal strike.

- 3.8 A temporary Voter Authority Certificate must be signed by the ERO. The ERO's signature can be provided by a deputy ERO and should be a wet ink signature. The requirement for it to be wet ink and not be posted to the voter means in practice deputy EROs need to be appointed and empowered to sign temporary certificates at key locations throughout North Yorkshire where elections are taking place and electors may attend to request and collect a temporary certificate.

4.0 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 To not appoint deputies at key locations which would slow down the process for obtaining a temporary voter authentication certificate and possibly prevent a voter from being able to vote at a polling station.

5.0 FINANCIAL IMPLICATIONS

- 5.1 There are no financial implications. The Deputy ERO would not receive any additional payment.

6.0 LEGAL IMPLICATIONS

- 6.1 This report has been prepared with the benefit of legal advice as to the process for appointing deputies and requirements for temporary voter authentication certificates.

7.0 EQUALITIES IMPLICATIONS

- 7.1 There are none.

8.0 CLIMATE CHANGE IMPLICATIONS

- 8.1 There are none.

9.0 REASONS FOR RECOMMENDATIONS

- 9.1 The Electoral Commission's guidance recommends the appointment of a Deputy ERO to carry out the functions of the ERO and to be available to act in their absence. The guidance further recommends that, "Any deputies appointed should have the skills and knowledge required to carry out the functions that they have been assigned."
- 9.2 Appointing deputy EROs at key locations would ensure that if it became necessary to sign a temporary voter authority certificate, it could be dealt with efficiently and effectively without unreasonable delay.

10.0 RECOMMENDATION(S)

That the Committee delegates to the ERO the power to appoint one or more deputies and to revoke or vary such appointments as necessary

Barry Khan
Assistant Chief Executive Officer
County Hall
Northallerton
(Insert date)

Report Author – Jennifer Norton, Assistant Director Legal
Presenter of Report – Jennifer Norton, Assistant Director Legal

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

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North Yorkshire Council

Standards and Governance Committee

17 May 2023

Approval of interim schedule of election fees for upcoming by-elections

Report of the Assistant Chief Executive Legal & Democratic Service

1.0 PURPOSE OF REPORT

- 1.1 The Committee are asked to approve an interim schedule of election fees to be paid at upcoming North Yorkshire Council and Parish Council by-election scheduled for 25th May 2023 and 8th June 2023.

2.0 BACKGROUND

- 2.1 When a by-election is called, the Returning Officer is required to employ sufficient staff to carry out the processes necessary to conduct a poll, including staffing polling stations, counting votes and postal vote opening sessions. A schedule of fees is agreed in advance setting out the payment for each job role. In previous years, fee schedules were approved by agreement of District and Borough Chief Executives within North Yorkshire, and these were last agreed in 2021.
- 2.2 Although Central Government do not provide funding for local elections, they do fund national elections such as Parliamentary General elections, so when setting a schedule of election fees, it is prudent to pay due regard to the guidance they issue in relation to the levels of fees that they will allow. Updated guidance from the Election Claims Unit (part of the Cabinet Office) outlining indicative rates of pay for each type of election job is due to be published in the next few months, which will allow for a more comprehensive schedule of fees to be submitted to this committee for approval in due course.
- 2.3 What follows are interim recommendations for elections fees to take effect until the new guidance has been published and considered.
- 2.4 The need for these recommendations have come about due to vacancies arising on North Yorkshire Council for Eastfield Division and on Lothersdale Parish Council and Helmsley Parish Council and following requests for elections being received by the Proper Officer from the required number of local government electors.

3.0 RECOMMENDED INTERIM SCHEDULE OF ELECTIONS FEES FOR UPCOMING BY-ELECTIONS

- 3.1 The following fees are recommended for approval for the by-elections scheduled for 25th May 2023 and 8th June 2023 and for further by-elections arising until formal guidance has been received from the Election Claims Unit and considered, whereupon a new schedule will be brought back to this committee for approval.

Role	2021 Fee	Proposed 2023 Interim Fee
Returning Officer's Fee	8p per elector or £54 (whichever is greater)	8p per elector or £56 (whichever is greater)
Polling Station Inspector	£260	£277
Presiding Officer	£230	£255
Poll Clerk	£155	£172
Verification/Count Co-ordinator/Count Manager	£25ph (Day) £35ph (Night)	£27.50ph (Day) £38.50ph (Night)
Count Supervisor	£20ph (Day) £30ph (Night)	£22ph (Day) £33ph (Night)
Count Assistant	£10ph (Day) £16ph (Night)	£12ph (Day) £17.50ph (Night)
Postal Vote Opening Co-ordinator	£20ph (Day) £30ph (Night)	£22ph (Day) £33ph (Night)
Postal Vote Supervisor	£15ph (Day) £25 (Night)	£16.50ph (Day) £27.50 (Night)
Postal Vote PI adjudicator	£15ph (Day) £25 (Night)	£16.50ph (Day) £27.50 (Night)
Postal Vote Opener	£11ph (Day) £16ph (Night)	£12ph (Day) £17.50ph (Night)
Training Fee	£15ph	£16.50ph
Trainers' Fee	£250	£22ph (Day) £33ph (Night)
Clerical Duties by Supervisor	£20ph (Day) £30ph (Night)	£22ph (Day) £33ph (Night)
Clerical Duties by Assistant	£10ph (Day) £15ph (Night)	£12ph (Day) £17.50ph (Night)
Mileage rate	45p per mile	45p per mile

4.0 ALTERNATIVE OPTIONS CONSIDERED

4.1 Holding fees at their 2021 rates would be an option, however given increases in the National minimum wage and high inflation over the last two years, doing so would make elections work less attractive and make retention and recruitment of casual election staff more difficult. This would be compounded by the additional requirements placed on polling staff by the introduction of the Elections Act, making the roles more demanding than in 2021.

5.0 FINANCIAL IMPLICATIONS

5.1 Approving the proposed interim fees schedule would – for the 2 by-elections scheduled – increase staff costs against 2021 rates by around £500.

6.0 LEGAL IMPLICATIONS

6.1 Keeping the fees at 2021 levels would mean the poll clerk fee would be below the National Minimum Wage.

7.0 EQUALITIES IMPLICATIONS

7.1 There are none. [REDACTED]

8.0 CLIMATE CHANGE IMPLICATIONS

8.1 There are none.

9.0 REASONS FOR RECOMMENDATIONS

9.1 The calling of one North Yorkshire Council and two parish council by-elections to take place in late May and early June necessitates the setting of a schedule of fees for the election roles that the Returning Officer needs to fulfil to conduct the election. Written guidance from the Election Claims Unit is expected which will enable the Council to undertake a more comprehensive review of its schedule of election fees, and while that guidance is awaited, an interim decision is required.

10.0 RECOMMENDATIONS

- (i) That the Committee approves the recommended fee schedule shown in paragraph 3.1 be used by the Returning Officer for the purposes of employing staff to work at the scheduled by-elections on 25th May 2023 and 8th June 2023.
- (ii) That this fee schedule is used at any further by-elections arising prior to new guidance from the Election Claims Unit being received and considered and until a revised schedule is brought back to this committee.

Barry Khan
Assistant Chief Executive Officer
County Hall
Northallerton
(Insert date)

Report Author – Jennifer Norton, Assistant Director Legal
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