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Dear Michael,

General Election: Voting Deadline

I am writing to clarify an issue that you raised at Lords' Questions on 7 July about payments to returning officers.

I explained that the matter of payment for returning officers in the last election is for the local authorities concerned.

This is the position for payments made to returning officers in relation to local elections. Under section 36 of the Representation of the People Act 1983, local authorities are responsible for paying expenditure incurred by the returning officer in administering local elections held in their area and for fixing any scale of payments for these elections. This money is paid from the revenue support grant which is administered by the Department for Communities and Local Government. It is therefore at the discretion of local authorities to decide what payments to make to returning officers for these elections.

At UK Parliamentary elections payments are made to returning officers by the Government through the Consolidated Fund under section 29 of the Representation of the People Act 1983. For UK Parliamentary elections, returning officers are entitled to recover payment for services rendered and expenses incurred in administering these elections. The amounts recoverable for the services of returning officers (their fees) are calculated by reference to the electorates in each constituency, and taking into account any combination of polls. These amounts are set out in the Parliamentary Elections (Returning Officers' Charges) Order 2010.

Persons appointed as returning officer will carry out this role in addition to the duties of their normal post, and this is why payments may be made for the additional role of returning officer. They are not "bonuses" as such, and the legislation makes no provision for additional payments related to performance. Under the legislation the Government has no option to do anything other than to make the payment due to returning officers. Of course, any bonus that a local authority chief executive receives in the course of his or her regular employment as a local authority chief executive is a matter for the relevant local authority that employs them.

Whether it is local or national elections, the monies that returning officers are paid are not just for one night, they are for the additional work done over a period of time to make the elections happen. Most returning officers appoint deputies to help with this work and split their fees with them. Guidance we have issued on fees and charges in relation to national elections recommends this is done.

For local elections, the law allows for a scale of fees to be set by a local authority, which may include a fee for the returning officer. Some local authorities do not pay a fee but include remuneration for undertaking returning officer duties in the salary of the relevant officer.

However, I agree that we need to make sure that all public services are delivered effectively and there is clarity about how public monies are spent. Returning officers are paid for this additional work but we expect in return that they ensure the effective planning for and conduct of elections. I am aware that it has been reported that the returning officer for Sheffield has said that he will not claim his fee for the general election on 6 May as a result of the problems that arose at certain polling stations in Sheffield.

I am grateful that you raised the matter. I hope this response clarifies the lines of responsibility for payment.

I am copying this letter to other peers who took part in the exchanges at Lords' Questions.

Yours Sincerely
Tom McNally

TOM MCNALLY

