

Fees and Charges Bulletin June 2011

Following the series of Spring Polls Bulletins that the Chief Counting Officer issued during the run up to the elections and referendums on 5 May we thought it might be useful for Counting Officers and Regional Counting Officers if we continued to provide a series of monthly updates specifically relating to fees and charges issues. Within these bulletins we will update you on progress with receiving and processing claims and provide further information on any elements of the claims which we see are causing difficulties and where further guidance might help. If there are any particular areas that you would like us to cover, then please get in touch with us via the contacts given below and we will do our best to help.

Reimbursement of public awareness activities within 28 days of the poll

Because local and central government was restricted by PPERA from carrying out public awareness activities in respect of the referendum within 28 days of the poll, we have said that we are prepared to meet the costs of any public awareness activities carried out on our behalf during this period.

To make the process for claiming any such costs as easy as possible, we have arranged for any claim to be submitted through the Election Claims Unit (ECU) (see also paragraphs 14.23 to 14.26 of the Counting Officers' Expenses Guidance Notes). Please note that any public awareness costs claim has to be kept entirely separate from the main body of your accounts as it is not recoverable through the normal fees and charges provision. Any claim for these costs must therefore be submitted on a **separate form** headed "Participation Claim", clearly setting out the expenditure being reclaimed from us, the date of the expenditure, and providing any receipts in respect of such expenditure. This form is available on our website, alongside the Counting Officers' Expenses Guidance Notes [here](#).

The Participation Claim must be submitted to ECU by Thursday 30 June 2011. Any claims received after that time will not be reimbursed. We intend to pay any money owed into the bank account that has already been notified to ECU, unless you notify ECU otherwise, and we will confirm the date of payment to you after 30 June.

Counting Officers' superannuation

Some issues have been highlighted concerning the payment of superannuation on Counting Officer and Regional Counting Officer fees for the referendum on 5 May.

This is because such payments are not currently regarded as pensionable under the Local Government Pension Scheme (LGPS) Regulations.

The Parliamentary Voting System & Constituencies Act 2011 (Schedule 1, paragraph 20(9)) made provision that claims for reimbursement in respect of Counting Officers' charges at the UK referendum may include any claims in respect of any increase in superannuation contributions. So whilst the Act does not make the fees pensionable by itself, it does anticipate that they can be pensionable. Communities and Local Government (DCLG) are therefore of the view that it would seem to be inconsistent for the LGPS Regulations to ignore this provision and they acknowledge that the Regulations need to be amended in order to reflect the wider statutory framework.

DCLG intend shortly to proceed to statutory consultation on a suitable retrospective amendment to the LGPS regulations in order to provide that payments by way of fees for service as Regional Counting Officers and Counting Officers are pensionable, and we will keep you informed of progress towards this through these bulletins.

In practical terms, the effect is that superannuation payments should not be made yet as the local government superannuation scheme won't allow it. In order that claims can be still be completed and submitted in the meantime, we would suggest that any intended claim for superannuation still be included so that money can be set aside to pay superannuation when it is permissible to do so. This amount should be recorded against the appropriate head (E2) on the claim form and the supporting voucher should reference the amount to be paid, along with details of the percentage applicable and details of the pension provider (Counting Officers' Expenses Guidance Notes, paragraph 8.13).

Counting Officer fees

Counting Officers are entitled (subject to adequate performance) to receive 75% of their fees for their services now, and the remaining 25% following submission and clearance of accounts. When submitting your claim we would recommend that you include on Form E the total amount for Counting Officer services. This should be supported by a voucher reflecting any payment already made, and a reference to the amount to be paid following clearance of the account. This will enable there to be sufficient funds made available upon clearance of the account to pay the remaining part of the fee. Please remember also that superannuation will also apply to this portion of the fee so any claim for superannuation should again reflect both any amount already paid, and any amount set aside for payment upon clearance of accounts.

Summary of solely attributable costs

We have received some feedback that it would be useful for there to be a separate form to summarise any claims for costs that are deemed to be solely attributable to the referendum. We have therefore designed a form for this purpose that will be available on our website alongside the other resources by 30 June. This will enable you to list any claims on the one sheet and provide your reasoning and attach supporting information. This can then be cross-referenced against the relevant heads in the main body of your claim. The 'Calculation of solely attributable costs' summary sheet contains guidance on how it should be completed as well as a tab that gives some worked examples, and there is further guidance on solely attributable costs in paragraphs 6.11 to 6.21 of the Counting Officers' Expenses Guidance Notes.

Fees and charges resources

On our website we have provided a number of resources alongside the Counting Officers' Expenses Guidance Notes. These include the fees and charges orders, spread sheets showing the cost assumptions model for each voting area which also provides a breakdown of anticipated expenditure by cost head, the claim forms (including separate forms for participation costs and for summarising any solely attributable costs), and a document showing some of the frequently asked questions we have been receiving. These can all be accessed via the following [link](#) and found under the heading of 'Fees and Charges'.

Claim submission deadline

The deadline for submission of claims is 8 months from the date of the referendum, which is Thursday 5 January 2012. We consider this to be a reasonable deadline that avoids final accounting being carried out in the midst of elections teams' preparations for the scheduled May 2012 elections. It will also enable us both to process claims by 31 March 2012 and make our submission of complete accounts in respect of the referendum in a timely manner (we aim to be able to do this by 30 June 2012). We will ensure that resources are in place to enable claims to be processed without undue delay but it is in everyone's interests that claims are submitted as soon as possible.

Contacts

If you have any questions about the preparation or presentation of your claim, ECU is happy to provide help and assistance. They can be contacted at ecu@communities.gsi.gov.uk or on 030 344 43912.

If you have any queries about the content of this bulletin or comments or suggestions to make about future content or format, please contact your local regional or devolved office (details [here](#)).