

COUNCIL
11 NOVEMBER 2008

ELECTORAL SERVICES

Purpose of Report

1. The purpose of this report is to update members with progress on a number of electoral matters and to seek authority for various statutory matters and fees.

Background

2. In preparation for the elections required to the new Council in 2009, the Electoral Services teams of the four District councils have merged and are now located at Chippenham and Salisbury. The post of Electoral Services Manager is a county appointment, and all other posts are filled by secondment. Formal authority still rests with the five Returning Officers and four Electoral Registration Officers, and this paper seeks to rationalise that authority within the transitional regulations and to report on progress in a number of areas.

Main Considerations for the Council

3. **Date of elections in 2009.**
The Local Authority elections were due to be held on 7 May 2009, and the elections to the European Parliament were due to be held initially on 11 June 2009, subsequently confirmed as 4 June 2009. The Ministry of Justice has since announced that it proposes to alter the date of the local authority elections by Order, to coincide with the European election on 4 June. It is therefore most likely that the combined elections will be run on local authority boundaries, rather than Parliamentary constituencies. (The new Parliamentary constituencies will not come into force until the next General election).
4. **Unitary Council electoral review**
The Boundary Committee of the Electoral Commission is undertaking a review of electoral arrangements to apply to the new unitary council from the local elections in 2009. Their Draft Recommendations, which correspond very closely with the submission of the County Council, were published in July 2008, and the Final Recommendations were due at the end of October. However, there were one or two areas of uncertainty, following which the Commission issued "Letters of Clarification", and the Final Recommendations are likely to be delayed for between 2 to 4 weeks.

The Final Recommendations will be reported to the Commission towards the end of the year, although the formal Order is unlikely to appear until February.

Officers are therefore preparing the 2009 Register of Electors (which has to be published by no later than 1 December 2008) on the assumption that the Final Recommendations are likely to be the building blocks for the 2009 elections.

5. **Filling of Vacancies within six months of election**

The Local Government Act 1972 contains provisions to the effect that by elections should not be held to fill vacancies occurring within the six months leading up to scheduled elections. The term of office of existing district councillors will end on 31 March 2009, and the DCLG has agreed that the “six month rule” should apply, i.e. there will be no elections for vacancies occurring at District level after 30 September 2008. A vacancy did occur in the Salisbury District Council area a few days before that deadline.

6. **Appointment of Returning Officer and Electoral Registration Officer**

Under the transitional regulations the County Council is required to appoint a statutory Electoral Registration officer and a Returning Officer to ensure the proper conduct of electoral registration and the preparation and conduct of elections. While the appointments are appointments of the full Council, they are not answerable to the Council in the conduct of their duties. It is recommended that the Chief Executive is appointed to both these posts.

7. **Confirmation of Fees and Charges**

Due to the unique nature of the Returning Officer appointments, it is necessary to have a scale of fees and charges in place to have authority to incur, and meet, expenditure. Many councils adopt a countywide scale, and Wiltshire is no exception, having had a combined scale in place for a number of years. This has been reviewed every two years, the last occasion being in August 2006.

A proposed scale is appended. The only significant amendment I am proposing, other than to delete all reference to District elections, concerns the raising of the mileage allowance to bring it into line with the traditional local authority rates. Members are recommended to approve this scale as drafted. The European elections will have a scale of fees set by Order.

8. **Parish arrangements (Salisbury and North Wiltshire)**

Parish council elections were last held in 2007, although there have been numerous by elections since. The next scheduled parish elections are due to take place in 2013, to bring them in to line with the county cycle.

There are three potential departures from that principle, as follows. In Salisbury, the city area is due to be parished for the first time, and this will require parish elections in the polling districts affected. Secondly, if any new parish wards have to be created to accommodate the new unitary boundaries, then it is possible the Electoral Commission would seek views on holding elections in those revised wards earlier than 2013, i.e. in 2009. The Commission has been informed that at parish and town level, the general feeling emerging from the unitary review exercise was that the electors are “elected out” and it would be preferable to hold all parish and town elections next in 2013. Finally, North Wiltshire has been undertaking a parish

review since 2001/02, and the Department for Communities and Local Government is about to publish the North Wiltshire (Parishes) Order 2008. Again, they have been informed by North Wiltshire that there is no evidence that there is a pressing need to hold any consequent parish elections until the main round in 2013.

9. **Provisional counting arrangements**

As mentioned above, it is now virtually certain that combined elections will be held on 4 June 2009, and on local authority boundaries. That latter point may seem academic when the whole county is a single authority, but the more accurate way to describe it is to refer to it as a combined election which is not run on Parliamentary boundaries. Subject to there not being a General election before June 2009, this would mean it would be possible to organise the counts very much along the previous methods, i.e. a count at Trowbridge, Chippenham, Devizes and Salisbury, using tried and tested procedures, with a nucleus of experienced staff at each location.

The polls will close at 10pm on Thursday 4 June, following which the European papers will need to be verified and stored until the Sunday. Papers for the unitary election will also be verified, but there is no restriction on waiting until the Sunday to count them.

Combined elections always take a lot longer to verify and count than a) single elections and b) people remember from the last time. It is the Returning Officers decision for how and when these arrangements will be applied (the Regional Returning Officer decides on European arrangements), and it is provisionally recommended that boxes are collected and organised on the Thursday night, with verification and counting of the unitary papers on the Friday.

A training session has been arranged by the Regional Returning Officer for senior electoral officers in Wiltshire, and it is the view of both the RRO and the Association of Electoral Administrators that anyone involved in the June elections at a senior level should have received formal training before undertaking any electoral functions.

Environmental Impact of the Proposal

10. There are so significant environmental factors applying, and none that are different from previous elections

Equalities Impact of the Proposal

11. There are various equalities issues which will have been taken into account during the submission of the county's electoral review submission, but no equality issues arising above.

Risk Assessment

12. The Council has significantly reduced the risks applying to the management of the 2009 elections by merging the electoral services team early. The Electoral

Commission is relatively relaxed about the practicalities of applying strict legal procedures at a time of major change, e.g. publishing the register before the formal Order introducing the new areas has been made. Council officers are working with the Commission and the Regional Returning Officer to minimise risks still further.

Financial Implications

13. The financial cost to the Council of the 2009 elections will have reduced by combining the unitary elections with the European. Budget costings have been discussed between district and county officers to give a “best guess” estimate of costs which would apply to single or combined elections, taking into account potential parish contests. A single, i.e. unitary, election would cost in the order of £600,000. The informal indications are that the scale of fees to be published for the European election could be “less generous” than in previous years, and the Council is advised not to assume that 50% of the combined elections costs will be forthcoming. The cost of parish elections is currently recharged to parishes.

Options Considered

14. Most of the above requirement are statutory obligations

Reasons for Proposal

15. Most of the above requirement are statutory obligations

Proposals

16. **The Council is recommended:**
 - a. **To appoint the Chief Executive, Dr Keith Robinson, as Returning Officer for local elections**
 - b. **To appoint the Chief Executive, Dr Keith Robinson, as Electoral Registration Officer for the Council**
 - c. **To adopt the scale of fees and charges for elections from 1 April 2009**
 - d. **To note and comment on the proposed counting arrangements**

**STEPHEN GERRARD
MONITORING OFFICER**

Report Author: John Watling, Electoral Services Manager

The following unpublished documents have been relied on in the preparation of this Report: None