

IMPLEMENTATION EXECUTIVE

9 July 2008

TOWARDS ONE COUNCIL – ELECTIONS IN 2009

Executive Summary

The Structural Change Order (S.I. 2008 No. 490), which created the new unitary Council, defers any parish elections due in 2011 to 2013. During Parliamentary consideration of the Order, the possibility was raised of holding further parish elections in 2009. The Secretary of State undertook to consult further on this matter and if there was any widespread support, indicated that he would bring forward an amending Order to make that change.

A consultation letter from DCLG dated 20 May 2008 has been received seeking the views of the Implementation Executive on this matter.

This report summarises the outcome of the consultation with the Wiltshire Association of Local Councils (WALC) and Town and Parish Councils on this issue.

On a related matter, the Secretary of State has also issued a separate but concurrent consultation, on whether elections to the new unitary council should be combined with the elections to the European Parliament in 2009, likely to be 4 June 2009.

Proposals

It is proposed that the Implementation Executive:

- a. recommends to the DCLG that for the reasons outlined in paras 2.5 and 2.6 of this report that elections to Town and Parish Councils should remain deferred until 2013;
- b. recommends to the new Council that it should fund the costs of parish and town council elections where they fall together; and
- c. to agree the response to the consultation on combining the dates for unitary and European Parliamentary elections as set out in Appendix 4 to this report and to agree to inform DCLG that the IE would understand if, on balance, the DCLG decided to defer the unitary elections until June 2009 to coincide with the European Parliamentary elections but that those practical difficulties identified within the appendix should be addressed clearly and quickly.

Reason For Proposals

To influence the decision of the Secretary of State regarding the timing and sequencing of elections within Wiltshire.

John Quinton, Head of Democratic and Member Services

1. INTRODUCTION

1.1. This report outlines two concurrent consultations from the DCLG regarding the timing and sequencing of elections within Wiltshire in 2009.

1.2. To simplify Members' consideration of these two inter-related matters the report is structured in two parts; firstly dealing with the issue of town and parish elections and secondly dealing with the issue of whether the unitary elections should be combined with the European Parliamentary elections, on the likely date of 4 June 2009.

2. TOWN AND PARISH ELECTIONS

2.1. Background

2.1.1. The Structural Change Order (S.I. 2008 No. 490) defers any parish elections due in 2011 to 2013, thus resulting in a six year term for many parish councillors. This approach was designed to put parish elections on the same cycle as the elections to the new unitary authority without unduly shortening the terms of any current parish councillors.

2.1.2. During Parliamentary consideration of the Structural Change Order the possibility was raised of holding further parish elections in 2009. The last town and parish elections were held in Wiltshire in 2007, thus resulting in only a two year term for town and parish councillors if elections were held next year.

2.1.3 Members are asked to note however that should the review of the parishing arrangements for Salisbury be completed in time, elections will be required in 2009 to put these changes into effect.

2.2. DCLG Consultation

2.2.1. A copy of the consultation letter from DCLG is attached to this report at Appendix 1.

2.2.2. In summary the DCLG makes the following arguments for elections in 2009:-

- that extended terms of office for parish councillors of up to six years would be avoided;
- newly elected parish councils coinciding with the introduction of the new unitary governance arrangements, including those new key arrangements for the empowerment and engagement of communities at local level;
- parishes would not have to meet electoral cost; that in any event those costs would be lower due to the combination; and
- potentially increased turnout.

2.2.3. However DCLG do recognise that Parish elections in 2009 would also create additional parish elections in circumstances where there might be reluctance for people to put themselves forward as candidates. There were a number of uncontested seats in the 2007 elections and the DCLG has accepted that there is a clear risk that the situation will not improve if another election is held relatively soon again. Seeking to hold elections in such circumstances risks therefore being wasteful of resources.

2.2.4. Specifically the Implementation Executive has been asked for its views as to whether there is a widespread sense within Wiltshire that there should be such elections in 2009 and if so it would be important to bring forward evidence that there is a reasonable expectation of there being:

- A genuine local appetite for such elections
- A significant proportion of the seats contested.

2.3 Town and Parish Council Views

2.3.1. Initially the views of the Wiltshire Association of Local Councils (WALC) were sought on this matter. WALC were asked whether they felt there was a need to consult more widely to get a view of whether there were strong feelings on this issue of elections that we were not aware of and did they feel that there was likely to be genuine local appetite for further elections with a significant proportion of seats contested.

2.3.2. A copy of WALC's response is set out at Appendix 2 to this report. To summarise, the Executive Committee of WALC agreed that to align parish and town council elections with those of the Unitary Authority, they would favour 2013 for the next parish and town council elections in Wiltshire (notwithstanding Salisbury which if parished will require an election in 2009). However WALC also felt that it was essential that Wiltshire County Council should canvass the views of the parish and town councils across the county as there had not been time for WALC to undertake this consultation.

2.3.3. Accordingly a letter dated 10 June 2009, has been sent to all Town and Parish Councils asking for their views on this matter. At the time of writing this report 43 replies have been received which are set out at Appendix 3. Overwhelmingly the responses favour the proposed deferral of elections until 2013. The councils feel that this would give continuity through the transition process and the best interests of the electorate would be served by having stable local councils. There was also a widespread feeling that there was no appetite for further elections so close to the last set and that they would be wasteful of resources in that most seats would be uncontested.

2.4 Scenarios/Options

2.4.1. The following scenarios exist for parish and town council elections within Wiltshire:-

- Parish elections held in 2009 on 7 May with the first unitary elections to Wiltshire Council; or
- Parish elections on 4 June 2009 (or potentially 11 June) with the elections to the European Parliament and the first unitary elections to Wiltshire Council; or
- Parish elections on 7 May on their own; or
- Parish elections held in 2013 together with the second unitary elections to Wiltshire Council.

2.4.2. Under the restructuring legislation, another option could also be that some, but not all, parish elections are held in 2009 and others continue to be deferred until 2013. However, were any such distinction to be made there would need to be a reasoned basis for deciding which parish election is held when.

2.5. Technical Analysis of the Options

2.5.1 All of the options involving parish elections in 2009 would add significantly to the complexity as well as having implications for cost. In the first year of a combined electoral service, the challenge of dealing with nomination papers (potentially 2,300) for parish elections at multiple locations around the county should not be underestimated. Added to this there is the logistical challenge of managing 90,000 plus postal votes for combined unitary/parish elections, or 135,000 plus postal votes for all three elections on the same day. The scope for things to go wrong is significantly increased by having all three elections on one day.

2.5.2 The resource implications of having to implement the outcome of the boundary review should not be discounted either. There are several areas in the Council's submission which if agreed by the Boundary Committee, will require significant re-warding of the major towns within Wiltshire. It was envisaged when the submission was made that there would be four years to implement these changes. It would require significant resource to implement these changes in the run up to the elections in 2009 at the same time as preparing for the elections and would present an undesired distraction for the staff involved.

2.5.3 A combination of the three elections on the same day risks real voter and candidate confusion with ballot papers running on different systems – voting for one candidate for the unitary council, voting for multiple candidates for parish and town councils, and proportional representation for the European elections.

2.5.4 The option of having stand alone parish elections on 7 May whilst less demanding would be the most expensive option (potentially £660k if all seats were contested) and would still mean an overlap of statutory timetables leading potentially to voter and candidate confusion.

2.6. Funding of Future Elections

2.6.1. The issue of funding for parish and town councils has been discussed as part of the transition to one Council. It does appear that there are different practices adopted by different councils in terms of how and the extent to which they recharge parish and town councils for their elections.

2.6.2. It would obviously be sensible to iron out these differences as part of the transition but there is some argument that if the new council is to promote a strong and vibrant local democracy, then anything the Council can do to encourage more local elections with more people standing for the office of parish/town councillor, would be welcomed.

2.6.3. One such approach would be to agree to pay for all elections costs where parish and town council elections coincide with those of the new unitary council.

2.6.4. A broad indication of the likely additional costs of running all parish and town council elections on the same day as the unitary elections is in the order of £310k. This is the gross cost and takes no account of any potential savings in the costs of preparing and invoicing local councils.

2.6.5. The Leader of the IE has therefore responded to individual councils by indicating that she will ask the IE to recommend to the new Council that it should fund the costs of town and parish elections where they fall together with those of the new unitary council.

2.6. Conclusion

2.6.1. Following the outcome of the consultation with the Wiltshire Association of Local Councils (WALC) and individual town and parish councils, there appears to be no local appetite among town and parish councils in Wiltshire for elections in 2009.

2.6.2. Furthermore, between 60 and 80% of parish seats in Wiltshire were uncontested in 2007 and approximately 15% of seats currently remain vacant. There is no indication from WALC or town and parish councils that this situation is likely to improve if elections are held in 2009 and therefore the DCLG criteria outlined in paragraph 2.2.4., are unlikely to be met.

2.6.3. It is hoped however that by 2013 the area board arrangements and the delegations to town and parish councils project will both have had four years to bed in and this might encourage more people to stand for election to town and parish council and strengthen local democracy.

2.6.4. Therefore, for the reasons outlined above and the technical issues outlined at paragraph 2.5, it is recommended that the DCLG should be informed that the next town and parish elections should be held in 2013.

3. COMBINING THE DATE OF UNITARY ELECTIONS WITH EUROPEAN

3.1. Background

3.1.1. The Secretary of State has a general power under section 37A of the Representation of the People Act 1983 (which was inserted by the Local Government and Public Involvement in Health Act 2007) to move by Order the local government elections in any year where there are European parliamentary elections so that the local elections are held on the same day as the European elections.

3.1.2. The DCLG have issued a consultation paper on 20 May 2008 seeking views on whether or not the date of the 2009 elections should be moved to coincide with elections for European Parliament. Were such an order to be made in relation to 2009 (and the statutory timetable would require this to be done by 7 November 2008) the result might be three elections on the one day – European Parliamentary elections, elections to the new unitary authority and elections to town and parish councils. This matter has already been covered under paragraphs 2.4.1. and 2.5.3.

3.1.3. The statute also provides an option were an Order moving the date of the local elections to be made, of leaving town and parish elections on the usual May election date. This matter has already been covered under paragraphs 2.4.1 and 2.5.4.

3.2. Views of the DCLG

3.2.1. In preparing the consultation paper the DCLG have had regard to the experience in 2004 when local and European Parliamentary elections were held on the same date. The turnout at those European elections was significantly higher than in previous years, up from 24% in 1999 to 38.5% in 2004. The Electoral Commission concluded in its follow-up report in 2004 that combination of the elections was an important factor in the improved turnout.

3.2.2. The DCLG believe therefore that by combining the elections day:-

- it will be more convenient for voters to have to visit the polling station only once meaning that more voters are likely to participate in the election;
- it will result in the election periods for the local (unitary) and European elections running together and avoid the start of the European election period overlapping with the end of the local election period - this they believe will confuse electors who may receive poll cards for the European elections prior to voting in the local elections and for electoral administrators who will have to publish the notice of election and deal with nominations from candidates for the European elections in the week leading up to polling day for the local elections;
- it will reduce costs incurred by local authorities, returning officers and political parties in distributing election material,

contacting voters, canvassing and holding the polls themselves;

- those responsible for voter awareness campaigns, particularly local authorities, will be able to concentrate their efforts in increasing awareness of one single election day.

3.2.3. The DCLG do recognise that there are practical issues such as maintaining two separate ballots and conducting two separate counts and that consequential amendments would be necessary in relation to dates for annual meetings, terms of office etc.

3.3. Consultation

3.3.1. DCLG have asked for specific views on:-

- **Do you believe that Government should seek to move the date of the local elections in 2009 from 7 May to 4 June, so that they are held on the same day as the European Parliamentary elections?**
- **If we move the elections to principal authorities should we also move the date of parish council elections where they are scheduled to take place on 7 May 2009?**
- **What practical issues do you foresee in combining effectively local (and where applicable, parish) elections with the European Parliamentary elections?**
- **What action do you think should be taken to address these practical issues (whether by local authorities, Government or the Electoral Commission)?**

3.4 Financial Implications

3.4.1 Currently the County Council makes a contribution of approximately £75k per annum towards the costs of its elections which cost approximately £240k every four years. This includes an allowance for any by elections held during this period.

3.4.2 However these estimates are based on recent experience where elections have been combined with those of a general election and so costs are shared. Realistically a set of stand alone unitary elections will cost in the order of £500k.

3.4.2 If however the unitary elections were combined with the European elections this would lead to cost savings in the order of £200k.

3.5. Proposed Response

3.5.1. A detailed response to these four questions is set out in Appendix 4 to the report.

3.6. Conclusion

3.6.1. Without doubt in terms of managing the transition to One Council the preference would be to have the elections to that new council as soon as possible after the district councils have been abolished. We are currently considering how we will deal with the current District Council functions of development control and licensing post 1 April 2009 and prior to the elections.

3.6.2 However the stance of the DCLG in respect of increased turnout and cost savings is understood.

3.6.3 On balance therefore it is recommended that if the DCLG are of the view that the unitary elections should be deferred until June 2009 to coincide with the European elections then the IE should raise no objection provided that those practical difficulties identified are addressed clearly and quickly.