

CABINET
24 NOVEMBER 2009

PARISH ELECTION COSTS

Executive Summary

The Returning Officer is personally responsible for the conduct of elections throughout the county, and the Council is obliged to supply him with the necessary funds and staffing. However, the Council has discretion to recover the costs of parish elections from the relevant parish(es). The purpose of this report is to determine the recharging policy on parish election costs.

Proposal

Cabinet is invited to consider the options at paragraph 9 of the report regarding the cost of parish elections and recommend Council accordingly.

Reason for Proposal

If parishes are to be recharged for part or all of their election costs, a formal Council resolution will be required setting out the authority to charge.

Carlton Brand, Director of Resources

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24 November 2009

PARISH ELECTION COSTS

1 Purpose of Report

1.1 The costs of the Returning Officer in respect of parish elections fall to the Council to pay, but legislation does allow the Council the discretion to recover those costs from the parishes involved. Members are invited to consider the options available and then to determine the policy to apply.

2 Background

2.1 The Returning Officer is appointed by the Council, but not subject to its direction. The Representation of the People Act 1983 provides that all expenditure properly incurred by the Returning Officer in relation to the holding of an authority election shall be paid by the Council. There are similar provisions for the election of parish councillors although there is discretion for the Council to recover that cost from the parishes concerned. This can be either all the costs, or, if combined, the costs which are shared.

2.2 Before April 2009, each District Council had its own Returning Officer and recharging policy, although the scale of fees and charges was a countywide scale. Generally speaking, parishes were re-charged for the costs of their elections, although where combined with another tier of election (typically the District elections) costs were apportioned and shared. Common costs were shared (as regulated by s.36 of the 1983 Act), e.g. polling station hire, and direct costs were apportioned directly e.g. parish ballot paper printing. Recharges in the former West Wiltshire District Council area tended to be higher than in the other three former districts, mainly due to the inclusion of further staffing on-costs. However, parishes were recharged in all areas, although the practice varied with regard to uncontested elections.

2.3 Now there is a single Returning Officer for all parishes in the county, it is important to determine a common policy. The term “parish” is used below to refer to parish and town councils.

3 Main Considerations for the Council

3.1 The 1983 Act makes provision for a scale of expenses to be fixed for the purpose of determining the Returning Officer’s expenditure. It also says that, in cases where such a scale has been fixed, the scale may not be exceeded. The Wiltshire scale was updated every two years, the last being in November 2008, and therefore

effectively regulates the Returning Officer's maximum expenditure to be paid by the Council.

3.2 It is worth noting at this stage the way in which parish elections occur. Firstly, the term of office for parish councillors is fixed, normally for four years, but the current round has been extended to six years to tie in with the unitary elections in 2013, rather than with the previous districts. Secondly, casual vacancies can occur at any time, e.g. resignations, deaths, disqualification. Casual parish vacancies are filled by a two stage process – 1) the vacancy is advertised and ten electors must come forward to request an election 2) if no such request is received within 14 days, the parish council will co-opt without the need for a poll.

3.3 There is a feeling that the cost of holding an election may deter candidates coming forward. This may well be the case, but having contacted the Ministry of Justice, Department for Communities and Local Government, Electoral Commission and Association of Electoral Administrators, there is no real evidence to support or disprove this, and the matter is probably a local and subjective issue. Parish councils have no legal sway over who may request an election or who may wish to stand, but no doubt the local electorate and councillors are mindful of the potential costs involved.

3.4 There are arguments either way as to the pros and cons of recharging and that judgement is a matter for which Members are uniquely placed to decide.

3.5 In 2007, only about 30% of the potential parish elections in Wiltshire attracted sufficient numbers of candidates to require a poll (although since then the urban parish of Salisbury has been created). Casual vacancies occur at unpredictable intervals. The majority of the rural vacancies are filled by co-option, whereas a high proportion of urban casual vacancies result in a poll. There have been about 60 casual vacancies in the last year, resulting in 12 polls, of which four were held on the same day. It is reasonable to assume that more vacancies will arise mid term, especially as the term is temporarily extended from four years to six.

3.6 It is recommended that whatever discretion is applied to parish election costs, the Council should still require parish polls consequent upon parish meetings to be paid in full by the parish, as I do not believe these fall under the 1983 Act. These are separate polls requested by a vote at a Parish meeting (whether the area has a parish council or not) and do not involve the election of councillors. Their decisions are not binding, simply an expression of views. In recent years, although parish polls are supposed to relate only to matters affecting the parish, there are suggestions that they are encouraged by outside bodies on wider ranging topics, tagged on to "local significance". In my view, it would be unwise to open potential floodgates to this sort of expenditure, where unelected residents could demand a poll on a whole range of issues. The Returning Officer has very limited power to resist such polls, other than by way of legal challenge.

3.7 In passing, Regulation 4 of the Parish and Community Meetings (Polls) Rules 1987 requires that the Council shall appoint an officer of the Council to be Returning Officer where a Poll consequent on a Parish or Community meeting is required to be taken. The person appointed as Returning Officer is usually the person appointed as Returning Officer for local elections. At its meeting on 10 November Council

appointed the new chief executive, Andrew Kerr, as Returning Officer for local authority and local elections effective from the date he takes up his post.

4 Environmental Impact of the Proposal

4.1 There are no environmental implications for this item.

5 Equalities Impact of the Proposal

5.1 There are no real equality issues arising from this report, other than the tenuous link with spreading the cost of elections over a wider tax base, and thereby remove the whole financial burden from the immediate parish affected.

6 Risk Assessment

6.1 The risk is mainly associated with the unpredictability of where and when vacancies occur, other than at the four yearly cycle. For example, the same chance event such as a death or resignation is just as likely to result in an uncontested election or even co-option as a poll costing £5,000. There could be five in one month, with more than one per parish, or none for several months.

6.2 The risk can be minimised by having a scale of charges in place (this was recently approved) and a clear understanding of what elements of the election, if any, should be recharged, in order to avoid disputes.

6.3 If no decision is taken by the council, then it could be argued the previous District Council recharge schemes should apply, but as these were all subtly different, it is recommended that a clear resolution is made one way or the other.

7 Financial Implications

7.1 It is hard to put a precise figure on how much parish elections cost. The costs vary according to a number of factors, the main ones being the number of postal voters and the number of polling stations in the parish or parish ward affected. A single election in a small parish would typically cost around £800, a medium parish about £1500 to £2,000, and in a large urban ward possibly up to £5,000.

7.2 At the four yearly elections, the combined cost in 2007 came to about £450,000, with about 25% of that recovered from the parishes. It is likely that a policy of not recharging parishes for their elections would reduce income to the council by an average of about £35,000 to £40,000 per year

8 Legal Implications

8.1 The legislation enabling the council to recharge the cost of parish elections is the Representation of the People Act 1983. Although it can not be quantified by research or enquiries with other councils, if the council wished to absorb the cost of parish

elections, this may remove a barrier, perceived or real, to the number of candidates putting themselves forward for election.

8.2 As such, there could be positive governance and reputational issues arising from any decision taken.

9 Options Considered

There would seem to be a number of possible options. The key requirement is to make any scheme clear and simple to follow.

9.1 Option One

Council to absorb the cost of all parish elections, but not polls consequent on parish meetings. Members should also state whether this applies to uncontested vacancies, i.e. where filled by co-option or an uncontested poll. Uncontested vacancies are not currently recharged.

9.2 Option Two

Council to absorb the cost of all parish elections and also including polls consequent on parish meetings. Again, members should also state whether this applies to uncontested vacancies, i.e. where filled by co-option or an uncontested poll. If this option is selected, further examination of the detail of the 1983 and Schedule 12 (18)(5) will need to be undertaken, as it is not clear whether this can include parish polls. If this option is selected further examination of the relevant legislation will need to be undertaken to confirm whether this can include parish polls.

9.3 Option Three

Council to share the cost of the four yearly elections, in which case a suggested scheme of recharges is appended for consideration, with only casual vacancies to be recharged to parishes. Again, views on uncontested election costs (four yearly and casual) should be included in any resolution. This definition could be extended to include any shared/ parish election, including the eventuality of a combined four yearly election being contested at parish level, but not unitary, in which case the parish would presumably pick up the whole cost.

10 Conclusions

10.1 If the council wishes to recover all or part of the costs from parish councils for their elections, whether four yearly or casual, it will need to pass a resolution to authorise that. Suggested options are set out at paragraph 9. If recharging is to be confirmed, a suggested mechanism to calculate the amounts is set out at Appendix A. I would suggest the operative date should be set retrospectively to 1 April 2009.

10.2 Council has appointed the new chief executive, Andrew Kerr as Returning Officer for local elections, including the conduct of Parish Polls consequent upon parish meetings under Regulation 4 of the Parish and Community Meetings (Polls) Rules 1987 and any other legislation.

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Background Papers

None

Appendices

Appendix A – Recommended recharging scheme, in the event of parish recharges being confirmed as an option

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APPENDIX A

Recommended recharging scheme, in the event of parish recharges being confirmed as an option

<u>Heading</u>	<u>Description</u>	<u>Source</u>	<u>Cost to parish</u>	<u>Cost to Unitary</u>	<u>Method of apportionment</u>
Returning Officer	Fee paid to Returning Officer	Wiltshire scale of fees and charges	Separate fee for parish election	Separate fee for unitary election	Only the parish element is recharged to parishes
Clerical	Fee paid to Returning Officer to cover admin / clerical resources and including an element to cover postal vote opening	Wiltshire scale of fees and charges	Separate fee for parish election	Separate fee for unitary election	Only the parish element is recharged to parishes
Premises	Cost of hiring polling stations and count venue. There may be more than one polling station in use at each election.	As charged by owner of premises	Shared	Shared	Split according to the number of elections in the particular station, often 1 Unitary election and one Parish election, i.e. 50/50. Would be split into thirds e.g. if there were two unitary divisions and one parish ward in the station. The count venue would normally be absorbed as a unitary cost unless exceptional circumstances exist.
Polling staff	Fee paid to staff on duty at the polling station	Wiltshire scale of fees and charges	Shared	Shared	To be split as for premises above
Postages	Cost of outgoing and incoming postage on postal votes	Actual cost	If sent separately from unitary postal votes, then the actual cost is recharged, using actual numbers sent and received.	If sent separately from Parish postal votes, then the actual unitary cost is paid by the unitary council	If a combined parish/unitary postal vote is sent, then the cost is apportioned on actual numbers.

<u>Heading</u>	<u>Description</u>	<u>Source</u>	<u>Cost to parish</u>	<u>Cost to Unitary</u>	<u>Method of apportionment</u>
Ballot papers and postal vote packs	Printing cost of ballot papers and postal packs	Print company	Actual cost	Actual cost	Often the print company can only split invoices into parish and unitary, in which case the total parish element is apportioned across those parishes with elections according to electorate. Unitary ballot papers are invoiced separately, and not recharged to parishes.
Labour	Incidental labour costs, mainly in association with the delivery of polling screens	Hourly rate or job rate submitted by contractor	In theory, split 50/50 between parishes and unitary	In theory, split 50/50 between parishes and unitary	In theory, split 50/50 between parishes and unitary, but often absorbed into unitary costs for simplicity
Transport	Incidental transport costs, mainly in association with the delivery of polling screens	Hourly rate or job rate submitted by contractor	In theory, split 50/50 between parishes and unitary	In theory, split 50/50 between parishes and unitary	In theory, split 50/50 between parishes and unitary, but often absorbed into unitary costs for simplicity
Count	Fees payable to count staff	Wiltshire scale of fees and charges	Separate fee for parish election count	Separate fee for unitary election count	Parish element is recharged back to parishes based on electorate of those parishes contested
Notices and stationery	Printing of notices, electoral supplies including absent voting packs and statutory forms	Supplier	Items specific to parish election only	Anything other than clearly identifiable parish notices and stationery	Tends to be absorbed by the unitary, other than anything which can easily be identified as a "parish only" expense, in which case that element would be recharged across parish elections based on electorate.
Other costs	Miscellaneous	Various	Significant direct costs only	All other miscellaneous costs	Where significant direct costs can be easily identified, direct costs can be apportioned directly.
Uncontested election	Uncontested election fees	Wiltshire scale of fees and charges	Separate fee for uncontested parish election	Separate fee for uncontested unitary election	Only the parish element is recharged to parishes