

CHESHIRE EAST COUNCIL

Governance and Constitution Committee

Date of Meeting: 30 September 2009
Report of: Democratic Services Manager
Subject/Title: Funding Parish Elections

1.0 Report Summary

- 1.1 Under section 36(5) Representation of the People Act 1983, the Council has discretion whether and to what extent it bears the cost of parish election processes. If recharged, the parishes would fund any recharge through their precept.
- 1.2 The practice of the three previous authorities was to recharge the cost of by-elections but to bear the cost of all-out combined elections themselves.
- 1.3 The Council now needs to determine its future policy.

2.0 Recommendations

- 2.1 That
 - (1) the policy of recharging Parish Councils for parish by-elections be confirmed; and
 - (2) the Committee consider, in the light of further information on the financial implications, whether to recharge Parish Councils for all-out combined elections.

3.0 Reasons for Recommendations

- 3.1 It is suggested that the Council continues the practice adopted by the predecessor Councils in respect of charging Parish Councils for by-elections.
- 3.2 With the recent re-organisation of local Government in Cheshire, elections will no longer be conducted by thirds (i.e. whereby a third of the parish elections are held in each of the three consecutive years for which the corresponding Borough elections take place). The new electoral arrangements adopted mean that from now on all-out local elections will occur once every four years and all of the Parish elections for the Cheshire East area will be held in this same year. Due to this major change to the election cycle, the Committee may wish to take the opportunity to review arrangements for funding parish elections.

4.0 Wards Affected

4.1 All.

5.0 Local Ward Members

5.1 All.

6.0 Policy Implications

6.1 The decisions made by the Council on this issue will form the election fees policy for Cheshire East local elections.

7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)

7.1 None.

8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)

8.1 The annual costs of parish by-elections could be around £40,000 per year, assuming 8 by-elections at an average cost (assuming the larger authorities are usually involved) of £5,000. Last year, Macclesfield had 5 by-elections, Crewe and Nantwich had one and Congleton none (although they had 5 during 2007/08).

8.2 In future, the Council and all Parish Councils will have all-out elections on the same day. There could be different approaches to apportioning the costs attributable to Parish Councils. For the shadow elections, Congleton undertook a notional apportionment (though did not actually recharge) based on splitting accommodation costs, the marginal costs of extra postal vote staff, the full costs of the extra count, and so on. The total recharge for all parishes would have been of the order of £40,000. Extrapolating this to the other areas, the broad order of magnitude would be of the order of:

- Macclesfield: £100,000
- Crewe and Nantwich: £60,000
- Congleton: £40,000

Total potential recharge: £200,000 (in very broad terms)

The available budget for elections is £498,000 for Cheshire East and the implications of this proposal and how best to use this budget are still being assessed.

9.0 Legal Implications (Authorised by the Borough Solicitor)

9.1 Section 36(5) of the Representation of the People Act 1983 provides that in relation to expenditure incurred by a Returning Officer in relation to a Parish

Council election, the Borough Council can require this expenditure to be repaid to the Borough Council provided it does not exceed any scale which may have been fixed by the Borough Council for the purpose. If there is a scale in place, the expenditure incurred by the Returning Officer, to the extent that it exceeds the scale, must be borne by the Borough Council. It is not, however, obligatory to fix such a scale, even if it is decided that recharging is to be implemented. Therefore, the Borough Council has power to determine the extent to which Parish Councils can be required to pay for their elections.

10.0 Risk Management

- 10.1 The risks associated with this decision are insufficient election budget being made available in the event that a decision is made not to recharge parish Councils for all-out Elections; and any adverse reaction that a decision to recharge Parish Councils could have upon working relations with local Councils.

11.0 Background and Options

- 11.1 The factors for recharging for by-elections are:-

- That it continues existing practice, which Parish Councils will expect.
- It avoids unparished (Crewe, Macclesfield and Wilmslow and some small rural areas) and parish meeting areas indirectly subsidising the by-elections of others.
- No specific budget for parish by-elections.
- That it tends to keep costs down by discouraging contested elections, candidates often preferring to avoid the costs falling on the parish.

- 11.2 The factors against recharging for by-elections are:-

- That not recharging tends to encourage greater participation in democracy by removing the disincentive of contested election costs falling on the parish.

- 11.3 The factors for recharging for all-out combined elections are:-

- A substantial benefit to the elections budget (perhaps up to £200,000, depending on the method of apportionment).
- That it avoids unparished and parish meeting areas indirectly subsidising parish elections in other areas.
- That the availability of budget is unknown.
- That it could possibly keep costs down by discouraging contested elections.

- 11.4 The factors against recharging for all-out combined elections are:-

- That criticism might be expected from Parish Councils for such a change of practice.
- That significant notice would be required so that Parish Councils could set appropriate budgets and precepts.
- It could encourage greater participation in democracy.

12.0 Overview of Year One and Term One Issues

12.1 As outlined in the report.

13.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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