

# GENERAL PURPOSES COMMITTEE AGENDA



**Wednesday, 19<sup>th</sup> April, 2006**

**At 1:00 p.m.**

**in Committee Room 'B'**

**MEMBERS: GENERAL PURPOSES COMMITTEE:**

Councillors Belcher, Flintoff, Hall, Henery, J Marshall, Shaw, Wallace, Wistow, Young.

- 1. APOLOGIES FOR ABSENCE**
- 2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
- 3. MINUTES**
  - 3.1 To confirm the minutes of the meeting held on 14<sup>th</sup> March, 2006 (to follow)
- 4. ITEMS FOR DECISION**
  - 4.1 Parish Council Election Recharges – *Chief Solicitor*
  - 4.2 Scale of Election Fees – *Chief Solicitor*
- 5. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**

**6. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**CONFIDENTIAL ITEMS**

Under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) Act 1985

**7. ITEMS REQUIRING DECISION**

7.1 None

**8. ANY OTHER CONFIDENTIAL ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**

8.1 None

# **GENERAL PURPOSES COMMITTEE**

## **MINUTES AND DECISION RECORD**

14 MARCH 2006

### **Present:**

Councillor: David Young (In the Chair)

Councillors: Stephen Belcher, Gerard Hall, Gordon Henery and John Marshall.

Officers: Tony Brown, Chief Solicitor  
Christine Armstrong, Central Services Manager  
David Cosgrove, Principal Democratic Services Officer

### **31. Declarations of interest by members**

None.

### **32. Confirmation of the minutes of the meeting held on 15 February 2006**

Confirmed.

### **33. Review of Parish Electoral Arrangements** (*Chief Solicitor*)

The Chief Solicitor reported that at the meeting on 14 November 2005, the Committee resolved to recommend to Council that the parish comprise one ward rather than 2 wards as at present. In the light of that decision, there arose for consideration, the number of councillors to represent the ward.

The report to the committee on 15<sup>th</sup> June 2005, when consideration was given to the first stage of consultation included the following paragraph

“Members may wish, however, to give particular consideration to the issue of the number of councillors to be elected for Headland Parish Council. The only response which addressed this issue – from a parish councillor – indicated that the number of councillors elected should remain the same i.e. 13. However it should be noted in this regard, that each of the other parishes in their area has 7 councillors

– though the populations of the other parishes are in every case significantly less than that of the Headland parish.”

The Chief Solicitor reported that he had been informed by the Chairman of Headland Parish Council that, at their meeting on 28<sup>th</sup> February 2006 a lengthy discussion took place on the appropriate size of the Parish Council, it being concluded that the current number of thirteen should be maintained. Councillor Allison was present at the meeting and indicated that the Parish Council had given consideration to a smaller membership but considered on balance that thirteen was correct.

### **Decision**

That Council be recommended to approve the Headland Parish Council retaining thirteen Councillors as at present.

## **34. Parish Council Election Recharges** (*Chief Solicitor*)

The Chief Solicitor outlined the legislation in place to allow the Council to reclaim the costs of running parish council elections from each parish. In the last twenty months, four by-elections had been held in the Headland Parish. The Headland Parish Council (HPC) had been issued with an invoice for the first of those by-elections held in March 2005. The chairman of HPC subsequently asked for clarification of the costs incurred, which was provided.

At a meeting held in December last year with Councillor Allison, the Chairman of the HPC, he raised the point that the Council had discretion as to whether election expenses were reclaimed. The Chief Solicitor advised that it had always been Council practice to reclaim election expenses from parish councils. Councillor Allison has asked whether the costs of a by-election can be met by the borough council rather than being recharged to the parish council. It was agreed that an item be placed before this Committee for Members to consider this matter again.

Section 36(5) of the Representation Act 1983 states that -

‘All expenditure properly incurred by a returning officer in relation to the holding of an election of a parish councillor shall, ....., be paid by the district council, but any expenditure so incurred shall, if the district council so require, be repaid to that council by the council of the parish for which the election is held.’

Submitted as Appendix A was a spreadsheet providing details of the relevant costs. The cost of holding a by-election is in the region of £1000 for a single ward or parish with the actual amount being recharged to the relevant parish council. The Chief Financial Officer has advised that the Council does not have any budget provision for funding parish council elections. His view, as an accountant, was that the costs of democracy should be borne by the democratic body. The Chief Financial Officer indicated that he could accept an argument that where the size of the

parish was so small that such a burden would fall disproportionately high then discretion would be appropriate. Given that the Headland is the largest of our parishes and would not therefore be deemed to be small, he does not think that this argument is appropriate. Therefore costs should be borne by the relevant democratic body.

Members questioned the costs involved including the Returning Officers fees paid to the Chief Solicitor. Mr Brown indicated that these were part of the statutory fees paid by government and were part of his contract of employment. The Chief Solicitor indicated that all the fees payable during an election were reported to and approved by this committee; changes to those fees following recent pay awards would be reported to Members in the near future.

In relation to the recent elections of the HPC, the Chief Solicitor commented that this was the first time an invoice had been issued to a Parish Council within the recollection of officers. Generally, in past parish council elections the number of nominations had equalled the number of seats thereby not requiring a poll to be conducted. During any election process it was the holding of the poll that was the major expense.

Members requested that a detailed breakdown of the costs for the individual Parish by-elections be provided to display where the expenses had been incurred. Members also requested that similar details be provided for previous Parish Council elections. The Chief Solicitor commented that this could be provided for the recent by-elections but he would need to consult the Chief Financial Officer as to how much detailed information was still held on past elections. Members suggested that further consideration of the matter be deferred until the additional information now requested was provided.

The Committee went on to discuss the issue of the “co-option” of members onto the HPC. Some members were concerned that individuals could be co-opted on to the Parish Council with being formally elected. The Chief Solicitor stated that should a casual vacancy arise on a Parish Council, or indeed the Borough Council, an election to that vacancy was called. If there was only one nomination for that vacancy, then the individual was duly elected to the seat without the need for a poll to be conducted. A poll would have to be conducted if there were two or more nominations for any vacancy. The Borough Council did not have the power to “co-opt” any individual to become a member of the Council; an election process (with or without a poll) always needed to be undertaken. However, legislation did allow Parishes Councils to co-opt to casual vacancies without an election process and that individual could act as a full member of the PC.

### **Decision**

That consideration of this matter be deferred and that a further report be submitted outlining the detailed costs incurred during previous Parish Council elections and by-elections.

D. YOUNG

CHAIRMAN

## **GENERAL PURPOSES COMMITTEE**

**19 April 2006**



**Report of:** Chief Solicitor

**Subject:** PARISH COUNCIL ELECTION RECHARGES

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### **SUMMARY**

#### **1.0 PURPOSE OF REPORT**

To agree the arrangements relating to parish council election costs.

#### **2.0 BACKGROUND**

At the meeting of the General Purposes Committee held on 14 March 2006, Members requested further information on election fees to provide them with a better understanding of the fees structure. The report to that meeting is attached as Appendix 1. A breakdown of local government election costs for the most recent elections (other than those referred to in the report to the meeting of 14 March) is attached as Appendix 2.

#### **3.0 ISSUES FOR CONSIDERATION**

Councillor Allison has asked whether the costs of parish council by-elections can be met by the borough council rather than being recharged to the parish council. Enquiries have been made of other authorities, all of whom indicate that the costs of a parish election are recovered from the parishes concerned. The view is taken that costs referable to the election of a parish should be borne by the residents of the parished area.

In discussing this issue at the previous meeting, comments were made regarding the position where there were no more candidates at a parish election than the number of available seats. In such circumstances the nominated candidates are elected without a poll being held (thus avoiding the expenses involved in the holding of a poll) and the parish council have the power to co-opt members to seats not filled. Whilst a member expressed concerns regarding those procedures, considering them to be contrary to the principles of democracy, they are not, in my view, relevant to the issue whether the costs of the parish election should be borne by the residents of the parish, or by the residents of the borough as a whole.

#### **4.0 FINANCIAL IMPLICATIONS**

As stated in the report of 14 March, the Chief Financial Officer advises that we do not have any budget provision for funding parish council elections. His view, as an accountant, is that the costs of democracy should be borne by the democratic body. He could accept an argument that were the size of the parish was so small that such a burden would fall disproportionately high then discretion would be appropriate. Given that the Headland is the largest of our parishes and would not therefore be deemed to be small, he does not think that this argument is appropriate. Therefore costs should be borne by the relevant democratic body.

A contested parish election costs around £1000 per parish/parish ward.

#### **5.0 RECOMMENDATION**

Members are asked to consider the request.



## GENERAL PURPOSES COMMITTEE

14<sup>th</sup> March 2006



**Report of:** Chief Solicitor

**Subject:** PARISH COUNCIL ELECTION RECHARGES

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### SUMMARY

#### 1.0 PURPOSE OF REPORT

To agree the arrangements relating to parish council election costs.

#### 2.0 BACKGROUND

Legislation is in place to allow the Council to reclaim the costs of organising and running parish elections from each parish council. At present, the Council reclaims all costs that are incurred, if an election is contested. Where parish elections are combined with borough elections, the costs are shared equally across each election.

Over the last 20 months, 4 by-elections have been held in the Headland Parish. These took place in March, July and August 2004 with a further election being held in March 2005.

The Headland Parish Council were issued with an invoice in respect of the first election that was held in March last year. Following receipt of the invoice the Chairman of the Headland Parish Council, Councillor Derek Allison, requested clarification on some of the items that were included and asked for further details on the costs that had been incurred. The Parish Council were provided with the information requested, following which a meeting was held with Councillor Allison.

#### 3.0 ISSUES FOR CONSIDERATION

At the meeting that was held in December last year, Councillor Allison raised the point that the Council had discretion as to whether election expenses were reclaimed. I advised him that it has always been Council practice to reclaim election expenses from parish councils. Councillor Allison has asked whether the costs of a by-election can be met by the borough council rather than being recharged to the parish council. I agreed to place an item before this Committee for you to

*General Purposes Committee – 14 March 2006*

consider this matter again. Section 36(5) of the Representation Act 1983 states that -

‘All expenditure properly incurred by a returning officer in relation to the holding of an election of a parish councillor shall, ....., be paid by the district council, but any expenditure so incurred shall, if the district council so require, be repaid to that council by the council of the parish for which the election is held.’

I attach a spreadsheet (**Appendix A**) providing details of the relevant costs.

#### **4.0 FINANCIAL IMPLICATIONS**

The cost of holding a by-election is in the region of £1000 for a single ward or parish with the actual amount being recharged to the relevant parish council.

The Chief Financial Officer advises that we do not have any budget provision for funding parish council elections. His view, as an accountant, is that the costs of democracy should be borne by the democratic body. He could accept an argument that were the size of the parish was so small that such a burden would fall disproportionately high then discretion would be appropriate. Given that the Headland is the largest of our parishes and would not therefore be deemed to be small, he does not think that this argument is appropriate. Therefore costs should be borne by the relevant democratic body.

#### **5.0 RECOMMENDATION**

Members are asked to consider the request.

## Election Costs

Local Government Election	01-May-03 16 Wards	24-Feb-05
		1 Ward
	£	£
<b>STAFFING</b>		
Returning Officer, Deputy & Admin Fees	4918.69	769.82
Polling Station Inspector Fee	642.60	165.25
Count Supervisor Fee	840.00	65.80
Presiding Officer Fee	6654.96	346.50
Poll Clerk Fee	4250.40	276.20
Counter Fee	1824.00	197.28
Postal Vote Issue	267.60	0.00
Employers' Pension	791.91	90.59
<b>DELIVERY</b>		
Preparation of Booths/Ballot Boxes	1400.00	Courier
Delivery of Election/Count Equipment	4790.00	Courier
Delivery of Poll Cards	6667.90	370.72
Advertise/Post Notice of Election/Notice of Poll	459.00	85.00
<b>PREMISES CHARGES</b>		
Polling Stations/Count/Civic Centre	2060.73	139.75
Portacabins	3440.00	0.00
<b>POSTAGES</b>		
Postal Votes - Issued	906.92	249.48
Postal Votes - Returned	543.50	137.66
General Postages - Candidates/Agents	39.35	n/a
<b>PRINTING</b>		
Print Ballot Papers	940.00	217.50
Print and Finish Poll Cards	420.00	66.24
Print - General	218.36	66.26
<b>TOTAL</b>	<b>42075.92</b>	<b>3244.05</b>

## GENERAL PURPOSES COMMITTEE

19 April 2006



**Report of:** Chief Solicitor

**Subject:** SCALE OF ELECTION FEES

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### SUMMARY

#### 1.0 PURPOSE OF REPORT

To advise Members of the scale of election fees for 2006/07.

#### 2.0 BACKGROUND

At the meeting of the General Purposes Committee held on 14 May 2004, Members requested that this committee be advised of any changes in election fees. The fees have been revised with effect from 1 April 2006.

#### 3.0 FINANCIAL IMPLICATIONS

The government have now standardised voting hours at 7am-10pm, increasing polling by 2 hours. The fees in respect of polling station staff have therefore been increased to take account of the extension of polling hours. In addition, a fee for travelling expenses has been included in respect of count staff. This fee will apply at evening counts only to take account of the later start and finish times. A list of fees is attached as Appendix A.

#### 4.0 RECOMMENDATION

Members are asked to note the report.

Report to Chief Financial Officer and Chief Solicitor

## LOCAL GOVERNMENT ELECTIONS/REFERENDUM

## SCALE OF FEES 2006/07

Listed below are the revised fees in relation to local government elections. They will be effective from 1 April 2006.

All fees have been revised based on the local government pay award with the exception of presiding officers, polling station inspectors and poll clerks. These fees have been increased by an additional amount to take account of the extended polling hours (7 am to 10 pm). In addition, I have included a fee for travelling expenses in respect of count staff. This fee will apply at evening counts only to take account of the later start and finish times.

Owing to the increase in the number of postal vote applications, despatch and verification staff will be required to undertake those tasks. I am proposing that fees for these staff are set at the same rate as the fee for a single vacancy count. This amount will be paid per session with any additional hours worked paid on a pro rata basis.

**TRADITIONAL ELECTION**

	<b><u>Existing</u></b> <b><u>2005/06</u></b> £	<b><u>Proposed</u></b> <b><u>2006/07</u></b> £
<b><u>Fees and Allowances</u></b>		
<b>(i) Polling, Postal Voting and Count Staff</b>		
Presiding Officers/Polling Station Inspectors	113.80	135.25
Poll Clerks	71.15	84.55
Postal Vote Despatch Assistants (per 3.5 hour session)	N/A	35.00
Postal Vote Verification Assistants (per 3.5 hour session)	N/A	35.00
Postal Vote Supervisors	N/A	70.00
Counters – single vacancy	33.90	35.00
multiple vacancy & second preference	45.35	46.70
Count Supervisors - single vacancy	67.80	70.00
multiple vacancy & second preference	90.70	93.40
Travelling Expenses of Presiding Officer for conveying ballot box to Count venue	5.20	5.35
Travelling Expenses of Count Staff (evening count only)	N/A	5.35
<b>(ii) Returning Officer</b>		
Fees for preparation of all notices and for all professional and clerical assistance for each Ward and/or Parish.		
(a) If the number of registered electors does not exceed 1000	86.02	88.60
(b) If number of registered electors exceeds 1000 for each thousand registered electors or fraction thereof being not less than 500 subject to a minimum of £88.60	43.01	44.30

**TRADITIONAL ELECTION**

	<b><u>Existing</u></b> <b>2005/06</b> £	<b><u>Proposed</u></b> <b>2006/07</b> £
<u>Fees and Allowances</u>		
Uncontested elections, where there is no contest in the Ward/Parish the fee shall be as follows or one fourth of the fee for a contested election whichever is the greater sum	33.85	34.87
Poll Cards per Ward	71.68	73.83
Despatch and Receipt of Postal Ballot Papers for each 100 electors or part thereof entitled to vote by post	32.56	33.54
For travelling to and from Polling Stations and place of declaration of result	Current NJC Rates	

**FULL POSTAL BALLOT****(iii) Full Postal Ballot**

Despatch Assistants (per 3.5 hour session)	28.35	35.00
Verification Assistants (per 3.5 hour session)	28.35	35.00
Postal Vote Supervisor	N/A	70.00
Counting Assistants - single vacancy	33.90	35.00
Counting Assistants - multiple vacancy & second preference	45.35	46.70
Supervisor - single vacancy	67.80	70.00
Supervisor - multiple vacancy & second preference	90.70	93.40
Returning Officer – Professional, administrative and clerical assistance for despatch and receipt of postal votes per 100 or part thereof	5.88	6.06

**(iv) Combined Elections**

When polls are combined at any elections held under the Local Election Rules:-

- (a) The fees for Presiding Officers and Poll Clerks referred to in (i) shall be increased by one half.
- (b) The fees for Postal Vote Staff, Counters, Supervisors etc, referred to in (i) and Returning Officer expenses referred to in (ii) and (iii) shall be increased by one half in respect of each additional election.

**(v) All Other Expenses**

Disbursements paid for the conduct of election	The Actual and Necessary Cost
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