

## **CHARGES FOR PARISH COUNCIL BY-ELECTIONS 16th November 2011**

### **Report of Head of Governance**

#### **PURPOSE OF REPORT**

To enable Council to consider whether or not to re-charge to a parish council the cost of a parish council by-election.

**This report is public**

#### **RECOMMENDATIONS**

- (1) **That the cost of the current by-election and all future parish and town council by-elections which are not combined with another election, be recharged to the relevant parish or town council and that the Head of Governance implement these arrangements with immediate effect.**

#### **1.0 Introduction**

- 1.1 At its meeting on the 3rd February 2010, in considering the report of the Review of Services and Funding of Parish and Town Councils Task Group, Council resolved "that for the foreseeable future, there will be no costs recharged to Parish Councils for any elections that are held at the same time as the City Council elections, but the City Council may consider making a charge for the management of any parish by-elections."
- 1.2 There have been no parish by-elections since that resolution. Parish elections were held on the same day as the City Council elections in May 2011, and, in accordance with the resolution, the costs were born by the City Council and not recharged.
- 1.3 Following the resignation of a councillor from the Westgate ward of Morecambe Town Council, the Returning Officer has received a request from the required ten electors for a by-election to be held to fill the vacancy. In accordance with the resolution of the 3rd February 2010, Council is asked to consider whether to recharge the cost of the by-election to Morecambe Town Council.

#### **2.0 Proposal Details**

- 2.1 It is estimated that the cost of managing the by-election would be around £5,500. If the cost is not re-charged to the Town Council, it will be a cost to the City Council, for which there is currently no budgetary provision.
- 2.2 Officers have conducted a survey of twenty local authorities in the north west, and of these, fourteen charge for by-elections. Indeed, some charge also for combined elections.
- 2.3 Morecambe Town Council has been advised that in the light of the resolution of the 3rd February 2010, it may be re-charged for the by-election, and that

the decision will be made by Council at this meeting.

### **3.0 Details of Consultation**

3.1 As indicated above, information has been sought from other councils as to whether it is their practice to recharge for by-elections.

### **4.0 Options and Options Analysis (including risk assessment)**

4.1 The options open to the Council are to recover the full cost or part of the cost of the by-election from Morecambe Town Council, or to bear the cost itself. In making its decision in respect of this by-election, Council may wish to consider whether the same decision would apply in respect of all future by-elections that are not combined with any other election.

4.2 In deciding whether to introduce any charging, Council is advised to take into account matters such as fairness, accountability, simplicity and ease of administration.

### **5.0 Conclusion**

5.1 Council's views are sought.

#### **CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)**

None directly arising from this report.

#### **LEGAL IMPLICATIONS**

Section 36 of the Representation of the People Act 1983 provides that all expenditure properly incurred by a returning officer in relation to the holding of an election of a parish councillor shall, if the district council so require, be repaid to that council by the council of the parish for which the election is held.

#### **FINANCIAL IMPLICATIONS**

There is currently no budget provision for parish council by-elections and the recommendation is that the costs above of around £5,500 be recharged to the relevant parish and as such there would be no net financial implications arising. However if council decide not to recharge the costs for this and future parish by-elections, provision would need to be made within the current's year's revenue budget and in addition, the need to make provision in future years would also need to be considered (taking account of the probability of further by-elections occurring).

#### **OTHER RESOURCE IMPLICATIONS**

##### **Human Resources:**

None

##### **Information Services:**

None

##### **Property:**

None

##### **Open Spaces:**

None

**SECTION 151 OFFICER'S COMMENTS**

The s151 Officer has been consulted and has no further comments.

**MONITORING OFFICER'S COMMENTS**

The report has been prepared by the Monitoring Officer in her capacity as Head of Governance, the service responsible for managing elections on behalf of the Returning Officer.

**BACKGROUND PAPERS**

None

**Contact Officer:** Mrs S Taylor

**Telephone:** 01524 582025

**E-mail:** STaylor@lancaster.gov.uk

**Ref:** ST