

Cabinet**31 July 2008****Parish Elections in 2009**

**Report of Lesley Davies, Acting Director of Corporate Services
[Cabinet Portfolio Member for Local Partnerships
Councillor Brian Stephens]**

Purpose of the Report

- 1 To seek the views of Cabinet on a consultation letter from Communities and Local Government (CLG) on whether there should be parish elections in 2009 for all parish councils in County Durham - notwithstanding that the last elections for those parishes were held in 2007.

Background

- 2 The Structural Change Order for County Durham defers any parish elections due in 2011 to 2013 thus resulting in a 6 year term for 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.
- 3 The context of this consultation is that during Parliamentary consideration of the Structural Change Order the possibility was raised of holding further parish elections in 2009 and the Minister undertook to consult the Transitional Authority about this possibility.
- 4 It was recognised during the Parliamentary debates that :
 - parish elections in 2009 would mean that extended terms of office for parish councillors of up to 6 years would be avoided
 - most significantly, the newly elected parish councils would coincide with the introduction of new unitary governance arrangements, including new key arrangements for the empowerment and engagement of communities at the most local level and because of their close interconnection the overall legitimacy and effectiveness of that community and neighbourhood engagement and empowerment could be enhanced.
- 5 However, it was also recognised that this approach:
 - has the downside of reducing the terms of office of existing parish councillors to 2 years.

- also creates additional parish elections in circumstances where there might already be reluctance for people to put themselves forward as candidates. If, as in the 2007 elections, there were a number of uncontested seats there is a clear risk that the situation would not improve - indeed it may worsen - if another election is held relatively soon after that unsuccessful ballot. Seeking to hold elections in such circumstances risks being wasteful of resources
 - moreover, parish elections in 2009 would not coincide with the elections to the principal council with the result that parishes would have to meet electoral costs
 - might result in a lower turnout
- 6 CLG has identified that these difficulties could be overcome if the parish elections could take place on the same day as the European Elections in June 2009.
- 7 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 ordinary day of local elections in years when they coincide with European elections. No decision has yet been taken as to whether such an order will be made in 2009.
- 8 However, whether or not such an order is made for local elections in general, it may be possible to make an order under the restructuring legislation to move the parish elections for the County Durham area to the same date as European Parliamentary elections in 2009. The Cabinet will need to consider possible cost implications for any parish elections held in 2009 if parish councils seek any assistance in this respect.

The Government's View

- 9 The Government has agreed, in the context of these competing arguments that, if there appears to be a widespread sense that parish council elections should take place in 2009 it would bring forward an amending Order to make that change. Accordingly, CLG is seeking the views of our Executive on whether their judgement is that such a sense about parish elections currently exists in County Durham.
- 10 CLG have invited us in our response to refer to the views of other stakeholders on this issue. In particular, they have suggested that if we wish to propose that there should be 2009 parish elections, it would be important to bring forward evidence that, were such elections to be held, there is a reasonable expectation of there being:
- a genuine local appetite for such elections
 - a significant proportion of the seats contested.

- 11 The restructuring legislation could facilitate that some, but not all, parish elections are held in 2009 and others continue to be deferred until 2013. However, if we were to favour this distinction we would be required to present a reasoned basis for deciding which parish elections are held when.
- 12 We have also been asked to indicate our views as to whether, in the event of 2009 parish elections, those elections should take place on the same date as European Parliamentary elections.

Review of Electoral Boundaries

- 13 In view of the impending review of the Council's electoral boundaries, we will also need to consider the impact of that exercise on any 2009 parish elections.

Parish Views

- 14 Comments on these issues were invited from the County Durham Association of Local Councils who in turn consulted widely with their parish and town councils. The Association's response is summarised as follows:-
 - Parish Members were elected in 2007 for 4 years to 2011. They are prepared to stay in office until 2013. They do not want their term of office cut to 2 years;
 - Newly formed Stanley Town Council was only elected to office in 2008 and strongly objects to the prospect of further elections in 2009;
 - Cutting the term of office to 2 years would create democratic instability at local level as new unitary governance arrangements would only have emerged in April 2009 and parishes need to build relationships with the new unitary authority. In addition, any relationships built up during the transition year could be destroyed if elections are held again in 2009;
 - There is a limited response to members of the public standing for parish/town councils, with councillors elected unopposed or councils having to co-opt to fill vacancies after elections;
 - There is a little or no evidence of public support for yet a further round of elections;
 - The election costs are a burden on local council finances and incurring any extra costs so soon after 2007 would be seen as a prolific waste of money by residents which could be better spent on something more worthwhile for local communities;
 - Holding local elections at the same time as European elections would devalue parish and town councils due to the anticipated low turnout of the latter;

- Many parish councils in Durham have incurred training costs on new Councillors elected last year. Further elections could lead to an influx of new Councillors which in turn could lead to further training being required and expenditure being wasted on those Councillors losing their seats;
- The boundary review of the County Council could involve structural changes to parish council representation and internal boundaries. The parish council tier considers that it would be advisable to wait until this review is complete before making any decisions on future elections;
- In conclusion, there is strong opposition to holding any further parish council elections in 2009.

Non-Executive Members' Views

15 The consultation has been discussed with our Non-Executive Members who also had the benefit of the views from the parish and town councils. Our Non-Executive Members concluded as follows:-

- There is no widespread support for bringing forward the parish elections;
- There is no evidence of a genuine local appetite for such elections;
- A significant proportion of seats were likely to be uncontested;
- A selective approach in terms of whether certain parishes should be subject to further elections should not be applied;
- Some differences of opinion emerged on the pros and cons of combining local elections with the European election; and
- Overall, there is strong support for the views expressed by the parish and town councils.

District Councils' Views

16 At a meeting of the County Durham Association of Local Authorities on 28 July the views of our District Councils will be sought to also assist Cabinet's deliberations.

Recommendation

17 Cabinet is asked to determine what response the Council should make to the CLG consultation.

Background Paper(s)

1. Letter dated 20 May 2008 from the Department of Communities and Local Government.
2. Correspondence from the County Association of Local Councils and individual Parish and Town Councils.

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Appendix 1: Implications

Local Government Reorganisation

(Does the decision impact upon a future Unitary Council?)

If parish elections go ahead in 2009, their organisation would be the responsibility of the Unitary Council.

Finance

Parish Councils might seek financial assistance from the Unitary Council towards the costs of any elections in 2009.

Staffing

N/A

Equality and Diversity

N/A

Accommodation

N/A

Crime and disorder

N/A

Sustainability

N/A

Human rights

N/A

Localities and Rurality

N/A

Young people

N/A

Consultation

County Association of Local Councils
District Councils
Non-Executive Members

Health

N/A