

Report to the Cabinet

Report reference: C-046-2010/11
Date of meeting: 6 December 2010



Portfolio: Leader
Subject: Referendums – Budget Provision 2011/12
Responsible Officer: Ian Willett (01992 564243).
Democratic Services Officer: Gary Woodhall (01992 564470).

Recommendations:

- (1) That provision be made in the draft DDF budget for 2011/12 in a sum of £160,000 (maximum) in respect of the Government referendum on the voting system and additional DDF item in respect of income in the sum of £160,000 (maximum) to reflect the likely contribution from Government to the cost;**
- (2) That the possibility of Mayoral Referendums in respect of this Council and Essex County Council be noted and a further report be submitted on further supplementary DDF estimates for this purpose should the need arise; and**
- (3) That the funding of any Mayoral Elections be deferred for a report to a later meeting if these become necessary.**

Executive Summary:

This report summarises the position concerning referendums in 2011/12 arising from:

- (a) the announcement of national referendum by the Government on the voting system; and
- (b) the possibility of local referendums being requested by petition in respect of this Council and Essex County Council; and
- (c) the possibility of this Council holding a Mayoral Referendum of its own.

The report submits details of likely costs, and recommends DDF provision in the 2011/12 budget.

Reasons for Proposed Decision:

To ensure the resources are allocated in next year's budget to meet the District Council's responsibilities for referendums where these arise.

Other Options for Action:

There is no alternative to allocating funds to these referendums if they take place. The method of funding recommended (by means of DDF to be included in the budget for 2011/12 for the National Referendum) and requests for supplementary funding when the situation is clearer on any Mayoral Referendums.

Report:

1. This report deals with the possibility that the Council (through the Returning Officer) will have to hold:
 - (i) a national referendum on the voting system; and
 - (ii) 2 local referendums in respect of Elected Mayors for this Council and Essex County Council.
2. There are uncertainties about these matters at the time of writing because:
 - (a) the national referendum is dependant on legislation which is before Parliament;
 - (b) any local referendums are dependant on the receipt and verification of petitions, with levels of expenditure heavily influenced by the date on which those petitions are received; and
 - (c) the Council could decide to hold its own Mayoral Referendum in response to the recent consultation.
3. It should be noted that for any referendum, all polling stations for the whole District would be involved, not just the proportion involved in the District and Parish ballots.

National Referendum on the Voting System

4. Recent Government announcements indicate that the referendum will be held on 5 May 2011, at the same time as local authority elections. It is likely that this will run by the Electoral Commission and organised through a system of Regional Counting Officers (and Local Deputy County Officers) akin to the EU Parliament elections.
5. It is also expected that this referendum will be funded by the Government, which would reimburse District Councils for the cost of the local arrangements. Reimbursement is likely to be subject to the usual spending checks by the Government.
6. There will be some economies of scale which arise from running the referendum on 5 May 2011, principally because a considerable number of polling stations will already be open for the local elections (i.e. 1/3 of District seats and one half of Parish Councils). The counting arrangements are however not yet known. The Government may direct that the national referendum count should take place on the night of Thursday 5 May 2011, or on the following Friday, Saturday, Sunday or Monday. The Government's final decision on this will reflect its desire to have a unified count, delivering a result at the same time nationally. Estimated costs have included an assumption that a referendum count will be separate from the local election counts.
7. It is proposed to include in next year's budget, provision in the sum of £160,000 as a

DDF growth item, offset by equivalent DDF income in the same sum. For the reasons given above, this should be regarded as a maximum figure.

Local Mayoral Referendum – District Council

8. Whether the Council has to hold a referendum on an Elected Mayor will depend on the receipt of a validated petition with the correct number of signatures. The date of receipt for the petition will determine when a referendum will be held. It is understood that one political party is assembling a petition at the present time.

9. A referendum must be held 6 months after the date of receiving a verified petition. If the six months brought the Council to 5 May 2011, this referendum could be run alongside the local elections and the national referendum on that date. If the six months expires after 5 May 2011, the referendum would have to be held separately at an increased cost. This is because there would then be no sharing of costs with the local elections and national referendum. There is currently a difference in interpretation about the date for receiving a petition which would permit this to be held alongside the elections.

10. A second DDF growth item in a sum of £160,000 (maximum) would be required for any District Mayoral Election. This cost would fall directly on this Council. If the referendum takes place on 5 May 2011, this figure should be regarded as a maximum figure. On any other date, this figure will approximate to the full cost.

11. The Council could itself hold a Mayoral Referendum in response to the recent consultation.

Local Mayoral Referendum – Essex County Council

12. If the County Council asks the Returning Officer to run a referendum for an Essex Elected Mayor, the cost will need to be met by a further £160,000 (maximum) if not held on 5 May 2012. A DDF growth item in this sum is proposed with a balancing DDF income item as the County Council would bear the cost. It is understood that the same political party is seeking to assemble such a petition.

Mayoral Elections

13. The question of funding any Mayoral elections after a successful referendum can be deferred for further report to be submitted, if this possibility becomes a reality.

Resource Implications:

| | | | |
|---|----------------|--------------|-------------------------------------|
| The proposed budget for 2011/2012 is set out below: | | Proposed DDF | Total Draft Estimate 2011/12 |
| | £ | £ | £ |
| Direct Costs | 124,500 | 160,000 | 284,500 |
| Support Services | 94,470 | 0 | 94,470 |
| Total Exp | 218,970 | 160,000 | 378,970 |
| Contributions from other authorities | -20,000 | -160,000 | -180,000 |
| Total Exp | 198,970 | 0 | 198,970 |

Legal and Governance Implications:

Referendums (Local and National) are statutory responsibilities of the District Council under:

- Representation of the People Acts (and subordinate legislation);
- Local Government Acts 1972 and 2000; and
- Local Government etc Act 2007.

Safer, Cleaner and Greener Implications:

None.

Consultation Undertaken:

None to date.

Background Papers:

None.

Impact Assessments:Risk Management

The Returning Officer's risk assessment has recognised the potential risk of not having appropriate budget provision for referendums.

Equality and Diversity:

Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications? No

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken? No

What equality implications were identified through the Equality Impact Assessment process?
N/A

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?

N/A