

REPORT TO EXECUTIVE

Date of Meeting: 5 July 2022

REPORT TO COUNCIL

Date of Meeting: 19 July 2022

Report of: Electoral Registration Officer and Returning Officer

Title: Implications of the Elections Act 2022

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

This report concerns the implementation of the Elections Act 2022, which received Royal Assent on 28 April 2022, and the potential impact on budgets and resources.

2. Recommendations:

1. For members to note the report and consider specific implications as and when further legislation is brought into force, over the next six to eighteen months.
2. To approve a supplementary budget up to £50,000 for the 2022/23 financial year, and potential future budgetary requirements, to meet the immediate demands of the Act.

3. Reasons for the recommendation:

To meet the statutory requirements of the new Act and ensure that the Electoral Registration Officer and Returning Officer are sufficiently resourced to ensure compliance.

4. What are the resource implications including non financial resources?

It is estimated that:-

- There would be an initial budgetary requirement of £40k set up costs this year. (Initial rush for ID plus polling equipment and accessibility purchased ready)
- There could be up to £49k ongoing costs for 23/24 (business as usual for ID cards and polling station staffing plus all the other activities – postal vote activities are just likely to be business as usual from the outset, so may not require a start-up amount)
- That there could be £23k set up costs for 23/24 (EU citizen and overseas are likely to require an initial big effort and will then peter out to business as usual in 24/25)
- That there could be a further £9k ongoing costs for 24/25

This includes an additional resource of a temporary member of electoral services staff. It should be noted that the Government have indicated that some grant funding will be

available but the level of this is unknown at present. This will have an impact on the level of resource which the Council will need to provide.

5. Section 151 Officer comments:

The additional cost pressures indicated in the report are noted and Members should be aware that as this is an ongoing pressure, further reductions will be required unless the Government fully funds the ongoing costs associated with the measures. There is a “new burdens” agreement between Central and Local Government whereby the Government promise to fully fund additional burdens on the sector – however this is often done at national level and there will invariably be winners and losers.

In the short term, the immediate ask of a one-off £50,000 budget will have to be taken from reserves (unless the funding is made available by the Government). The ongoing costs will be added to the Medium Term Financial Plan along with any additional funding identified.

6. What are the legal aspects?

To comply with the Elections Act 2022 and subsequent secondary legislation in the form of Regulations and to ensure that the Council meets its obligation (under section 54 of the Representation of the People Act 1983) to provide sufficient resources to the Electoral Registration Officer.

7. Monitoring Officer’s comments:

The Council has an obligation to comply with the Elections Act 2022 and subsequent secondary legislation in the form of Regulations and to ensure that the Council meets its obligation (under section 54 of the Representation of the People Act 1983) to provide sufficient resources to the Electoral Registration Officer.

(John Street– Deputy Monitoring Officer)

8. Report details:

This report concerns the implementation of the Elections Act 2022, which received Royal Assent on 28 April 2022, and the potential impact on budgets and resources. Details of the various elements of the requirements are contained in Appendix A to this report, where officers have also estimated the implications, costs and resources required. It should be noted that various parts of the Act will be implemented over a period of time, with the first being implemented by December 2022.

It should be noted that this is a worst case scenario as to the potential budgetary implications, as the Government has indicated that it would assist fund the additional budgetary burdens placed on local authorities. However, no such confirmation has yet been received as to the level of this funding and so the Council has to make such plans as necessary to ensure it meets its obligations, the first of which has an implementation date of December 2022.

9. How does the decision contribute to the Council’s Corporate Plan?

To ensure an open and accessible Council is achieved and the democratic process is facilitated in accordance with legislative requirements.

10. What risks are there and how can they be reduced?

The risks are that legal action may result if the legislative requirements are not met, which would result in additional costs and a loss of reputation for the Council. These risks can be mitigated by ensuring that appropriate resources are put in place, in good time.

11. Equality Act 2010 (The Act)

11.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

11.2 In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

11.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage and civil partnership status in coming to a decision.

11.4 The report is for information only as statutory requirements will be placed upon the Electoral Registration Officer and Returning Officer.

12. Carbon Footprint (Environmental) Implications:

There are no direct carbon/environmental impacts arising from the recommendations.

13. Are there any other options?

There are no other options, the legislation must be complied with.

Electoral Registration and Returning Officer, John Street

Author: John Street Electoral Registration and Returning Officer.

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

None

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