

CHRISTCHURCH BOROUGH COUNCIL
With the compliments of the Chief Executive and Town Clerk

Civic Offices,
Bridge Street,
Christchurch,
Dorset BH23 1AZ

Full Council (Extraordinary Meeting)
Tuesday, 21 March 2017

SUPPLEMENTARY INFORMATION

4. **Christchurch Referendum (Pages 3 - 10)**

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FULL COUNCIL

21 March 2017

**Local Government Reorganisation in Bournemouth,
Dorset and Poole - Referendum**

1. PURPOSE AND RECOMMENDATIONS

Report Type:	Report for Decision
Purpose of Report:	To consider the holding of a referendum to establish the view of the residents of Christchurch in respect of local government reorganisation.
Recommendations:	It is RECOMMENDED that: the Council resolves whether to conduct a referendum and if so addresses the points raised in paragraph 6.1 of this report.
Wards:	Borough-wide
Contact Officer:	David McIntosh, Chief Executive and Town Clerk Ian Milner, Strategic Director Richard Jones, Democratic Services and Elections Manager

2. BACKGROUND

- 2.1. On the 10 March 2017 the Mayor received a requisition for an Extraordinary Meeting of Council under Part 4, Section A, Part 1, Para 4.1.d of the Constitution. The single item of business specified is:-

To discuss the question of a Referendum to be held by the Council to determine the wishes of the people of the Ancient Borough regarding the desirability of the dissolution of the Borough Council and the establishment of a new Unitary Council incorporating the present Boroughs of Bournemouth, Christchurch and Poole, and to debate any Notice of Motion which may be brought forward on this topic.

- 2.2. This reports sets out the context, the legal and financial issues as well as a potential timetable should the Council resolve to undertake a referendum.

3. THE CONTEXT OF LOCAL GOVERNMENT REORGANISATION IN DORSET

- 3.1. In January of this year, all 9 principal Councils in Dorset considered a recommendation for the reorganisation of the current local government structure, replacing it with two new Unitary Councils. The two Councils would comprise the existing areas of a) North Dorset, West Dorset, East Dorset, Purbeck and Weymouth and Portland, and b) Bournemouth, Christchurch and Poole. This was referred to as option 2b.
- 3.2. At the Special Council meeting held on 31 January this Council voted against the recommendation and subsequently, at its meeting held on 21 February, the following Motion was carried:-

That this Council, considering the submission by six Dorset Authorities to the Secretary of State:-

- 1. Regrets that such a submission was made when no broad consensus exists and further regrets that no attempt was made by the six Councils to seek whether any common ground could be found;*
- 2. Makes urgent representations to the Secretary of State which sets out this Councils objection to local government reorganisation by sending the minutes of the Special Council meeting held on 31 January, along with the papers considered at that meeting, under the cover of a letter requesting that he rejects the Submission of the six Councils.*
- 3. Establishes a Local Government Options Task and Finish Group to explore alternative arrangements which this Council can utilise to reduce costs and maintain services while retaining its sovereignty.*
- 4. The membership of the Task and Finish Group consist of the Leader of the Council, and 2 members from each of the Policy and Resources Committee and the Scrutiny and Policy Overview Committee.*

3.3. In accordance, representations were sent to the Secretary of State the following day. The Task and Finish Group met informally on 14 March and are due to meet formally on 28 March and 4 April 2017.

3.4. Meanwhile, 6 of the Dorset Councils agreed to the recommendation for option 2b and made a Submission on that basis to the Secretary of State in early February. The Secretary of State is expected to make his initial “minded to” decision as to whether he supports the Submission by 23 March (in order to avoid the “purdah” period for the Dorset County elections which will be held in May). He has also indicated that there will then be a further opportunity for the Council to make representations.

3.5. Unfortunately we have been unable to establish as definitive date by which such representations should be made. The best information available is that this should be before the end of May. The subject of this meeting raises the question as to what degree further representations would be strengthened by the inclusion of the results of a referendum.

4. POSSIBLE REFERENDUM

4.1. If a referendum were to be conducted then consideration has to be given to the practical implications as well as being satisfied that it is beneficial to residents, lawful and a proper use of public money. The opinion of the Chief Finance Officer is that it would not be a good use of public money. This is covered more fully in paragraph 7.4.

4.2. Polling Methods

For a referendum result to carry the maximum weight the process would have to be full and comprehensive. There are two alternatives.

- (i) Firstly, a poll could be organised in the same fashion as we would run local elections including all of the elements which would maximise the turn out. For example offering postal voting and operating from all of the usual polling stations. Anything less than this would arguably leave the results open to criticism. The estimated cost of a full election type process is £75,000.
- (ii) The second approach would be a full postal ballot, with a ballot paper and return envelope being sent to all those on the electoral register with a request that they be returned to the Council by a certain date. The estimated cost of a full postal ballot is £50,000.

In either case the count process would be held at a suitable venue and run along the lines that Members will be familiar with.

4.3 Ballot Paper and supporting information

- 4.3.1 The question asked on the ballot paper needs to be given careful consideration in order to ensure that the Council is informed of the view of residents without leaving itself open to criticism of any bias. Similarly, the Council should also publish information to explain why it is conducting a referendum, explain the context and the main points for and against local government reorganisation.
- 4.3.2 The most suitable way of achieving this would be to engage a specialist company to provide advice and to draft the ballot paper and supporting information. This would come at an additional cost and potentially cost in the region of £10,000 but would put the Council on the strongest position in terms of the validity of the result.
- 4.3.3 The document produced for the public consultation on local government reorganisation came under some criticism, in part because it hadn't been approved by the Council. In light of this, Officers assume that if a referendum were to be approved, then both the ballot paper itself and the supporting documentation should be signed off at a Council meeting. The printing deadline for the ballot paper and the supporting documentation would be 19 April. There happens to be a Council meeting scheduled for the 18 April so that could be used however it would allow no margin for error.

4.4 DATE OF THE POLL

- 4.4.1 If the polling process were to be run on similar terms as a local election then there would have to be around a 2 month run up period in order to make the necessary preparations. The Poll cannot be combined with the Dorset CC election. Combined means using a single set of polling stations and staff, both ballot papers being put into one ballot box, etc. However, legally, both polls can be run on the same day but separately. In practical terms this would require a second set of polling stations and staff which is not a practical proposition.
- 4.4.2 Given the lead in time and the obstacle to using the 4 May DCC polling day, Officers have identified the 18 May as the most practical option.
- 4.4.3 If the referendum were to be run on postal only grounds then a closing date would also have to be either on or very close to 18 May in order to allow both sufficient time for preparations to be made and also to provide some

separation between that and the DCC elections in order to reduce the potential for confusion amongst the electorate over the two.

5. OVERALL TIMETABLE

- 5.1. Given the desire to have the outcome of the referendum available to form part of a further submission to the Secretary of State, then the period between now and the end of May will require a robust plan which minimises the risk of slippage. A provisional timetable is set out below for the two options:-

Deadline	Full Election	Postal Only
Extraordinary Full Council Meeting	21 March 2017	21 March 2017
Approval of poll card proofs	27 March 2017	-
Supply of data to printers for poll cards	27 March 2017	-
Local Government Options Task and Finish Group Meeting	28 March 2017	28 March 2017
Local Government Options Task and Finish Group Meeting	4 April 2017	4 April 2017
Deadline for final report for council including wording of question and supporting information	4 April 2017	4 April 2017
Despatch of poll cards	10 April 2017	-
Council Meeting to approve question and supporting information	18 April 2017	18 April 2017
Sign off of ballot paper and postal vote proofs	19 April 2017	19 April 2017
Send initial postal vote data to printers	19 April 2017	19 April 2017
Last date for registration*	2 May 2017	-
Amendment of existing absent vote [†]	3 May 2017, 5.00pm	-
Receipt of new postal vote applications [†]	3 May 2017, 5.00pm	-
Issue of postal votes	4 May 2017	4 May 2017
Issue new postal votes	9 May 2017	-

Deadline	Full Election	Postal Only
Notice of Poll	10 May 2017 (propose 5 May 2017)	10 May 2017 (propose 5 May 2017)
Day of Poll	18 May 2017	18 May 2017
Count of Votes	19 May 2017	19 May 2017

6. CONCLUSIONS

- 6.1. If the Council wishes to conduct a referendum on local government reorganisation then it also needs to take a view on the following points:-
- a) The method to be used for the poll
 - b) The date of the polling day or closing date/time depending on (a)
 - c) Whether to permit late registration of electors or whether the qualifying date for registration should be aligned to the county election registration timetable (e.g., 13 April)*
 - d) Whether changes to absent vote applications or new applications for absent votes should be aligned to the county election timetable (e.g., 18 April) †
 - e) Whether or not it wishes to engage professional services to construct the ballot paper and supporting information
 - f) Is so, do Members wish these to be formally approved by Council?
 - g) What the provisional budget allocation should be
 - h) If the results of a referendum are to form part of a further representation to the Secretary of State then whether that representation is formally agreed by Council.

7. IMPLICATIONS

Corporate Plan & Council Objectives

- 7.1. The matter under consideration impacts upon the Corporate Plan in the following areas:-
- EC2 - Deliver services more efficiently

Legal

- 7.2. The authority to conduct a local advisory poll for the purpose outlined in this report arises from The Localism Act 2011. It is for the local authority to determine who is to be polled and how the poll is to be conducted, however, it may not be combined with other local elections.

Environmental

- 7.3. The paper used for the printing of all election stationery, including ballot papers and postal votes is supplied from sustainable sources.

Financial and Risk

- 7.4. The role and responsibilities of the Chief Finance Officer (CFO) were developed by case law in England and Wales. In *Attorney General v De Winton* 1906, it was established that the CFO is not merely a servant of the authority, but holds a fiduciary responsibility to the local taxpayers. Section 151 of the Local Government Act 1972 requires local authorities to make arrangements for the proper administration of their financial affairs and appoint a CFO to have responsibility for those arrangements. In addition to the CFO's responsibilities to the Council, a wider role also exists in relation to the general public. The local authority is regarded as the trustee of local citizens' money, and the CFO has the prime obligation and duty to them to manage the authority's resources prudently on their behalf. In effect, this means that the CFO has a personal responsibility for the stewardship and safeguarding of public money and for demonstrating that high standards of probity exist. It is in the context of this that the CFO gives the following advice to Council.
- 7.5. The CFO is of the opinion that incurring expenditure of between £60,000 - £85,000 for a referendum in Christchurch regarding local government reorganisation (LGR) is not a good use of public money and would request that Council do not proceed with the recommendation to undertake such a referendum. The proposal to incur the expenditure is considered to directly conflict with the fiduciary responsibility of this Council to safeguard the use of public money and to ensure value for money is achieved in the use of its public resources. To put the scale of expenditure into context the additional council tax raised from the 2017/18 £5 increase is £97,000.
- 7.6. The reason for forming this opinion is that the referendum would only be undertaken in Christchurch and would therefore not be representative of the views of the people and businesses across Dorset; a key factor in the LGR considerations of the Secretary of State. As a consequence the outcome is likely to carry little weight in the context of a Dorset wide view and be of limited value to the Council, its residents and more significantly to the Secretary of State in his deliberation of the recent LGR submission. Council will be aware that a single council cannot veto a submission to the Secretary of State and if it is expected that the outcome of a referendum will enable this to happen, this expectation is incorrect.
- 7.7. This Council agreed to commission and be part of a Dorset wide public consultation in order to gauge public opinion on the reorganisation of local government in Dorset. This has been undertaken by a well-respected national organisation and the results of this are now public and with the Secretary of State. During the consultation process Christchurch, of all the council areas in Dorset, was the one where the profile of LGR was the highest and where local awareness through Council and public meetings as well as independent websites was most significant. The opportunity to participate and express views on LGR was therefore probably greatest in this borough. As a result, the views of the Council, its MP and residents regarding option 2B are very well known locally and by the Secretary of State. The CFO does not therefore consider that the incurring of expenditure of this scale, in what appears to be an attempt to further enhance these views, is justified.
- 7.8. Council will be aware of the ever decreasing funding available to it and the increasing need to look for savings as well as choices on where to spend its

limited resources. Public money should be spent on supporting and protecting services to the public and the proposed referendum does not do this. Furthermore, the CFO would advise Council that this expenditure could be challenged by a local elector in line with the Local Audit and Accountability Act 2014 whereby the External Auditor could be requested to consider whether the expenditure was reasonable and therefore lawful. If such a challenge were received this would incur costs in relation to the External Auditor's investigation into the matter and if found to be unlawful could lead to the qualification of the Council's accounts and value for money opinion.

Equalities

- 7.9. In conducting a referendum, the local authority must facilitate participation in the poll by those polled who are disabled. The conduct of a referendum in line with the methods outlined will comply with relevant guidance.

Appendices:

There are no appendices to this report.

Background Papers:

Published Works including:-

1. Exploring the options for the future of Local Government in Poole, Bournemouth and Dorset, Full Council, 15 December 2015
2. Single Member Item "Consultation Process on Proposals for Reform of Local Government in Dorset" Scrutiny and Policy Overview Committee, 15 November 2016
3. Exploring the options for the future of Local Government in Poole, Bournemouth and Dorset, Item 3, Extraordinary Full Council, 13 December 2016
4. PwC report issued on 5 December 2016 ORS report issued on 5 December 2016
5. Local Partnerships report issued 24 August 2016 and reissued on 5 December 2016
6. Standard report and recommendations to all councils (including Equality Impact Needs Assessment)
7. Report of the Local Government Reorganisation Working Party
8. ORS Public Consultation Summary Versions
9. Minutes of the Scrutiny and Policy Overview Committee 10 and 16 January 2017
10. Minutes of the Policy and Resources Committee 26 January 2017
11. Minutes of Extraordinary Council Meeting 21 February 2017

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