

Subject:	Proposed consultation on moving to whole-council elections	Status:	For Publication
Report to:	Full Council	Date:	20th May 2022
Report of:	Head of Legal	Portfolio Holder:	Corporate Services
Key Decision:	<input checked="" type="checkbox"/> Forward Plan <input type="checkbox"/>	General Exception	<input type="checkbox"/> Special Urgency <input type="checkbox"/>
Equality Impact Assessment:	Required: No	Attached:	N/A
Biodiversity Impact Assessment	Required: No	Attached:	N/A
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1. RECOMMENDATIONS

- 1.1. That Council agrees to commence a 6 weeks consultation process on whether the Council should change to whole-council elections every 4 years.
- 1.2. That the Council proposes to commence whole-council elections in 2024 should Council resolve to change the election cycle following the required consultation.
- 1.3. That the Council will hold a future Extraordinary Full Council meeting to hear the outcome of the consultation and make a determination on whether to move to whole-council elections or stay as election by thirds.

2. EXECUTIVE SUMMARY

- This report explores whether the council should change its electoral cycle to 'whole-council' elections.
- Councils with whole-council elections elect their members once every four years.
- Moving to whole-council elections has advantages for the council including; providing the council with a clearer mandate, providing more stability and is likely to be more understandable to the electorate.
- To move to whole-council elections the council must first legally consult the public and other interested parties.
- The council is proposing to start this process to help inform the Boundary Commission in their review which will start later in 2022.

3. BACKGROUND

- 3.1. Legislation enables the council to change its electoral cycle at certain fixed periods of time. The council presently elects its councillors by thirds, meaning a third of the councillors are elected every year for three years, with no elections in the fourth year.
- 3.2. Councils that presently elect by thirds can move to whole-council elections and, if at a later date it is considered necessary to do so, can revert back to elections by thirds. The council

may not however pass another resolution until five years has passed since the resolution was made to change.

3.3. If the council wishes to move from elections by thirds to whole-council elections, it must follow the process in accordance with s33 of the Local Government and Public Involvement in Health Act (2007).

4. THE RATIONALE FOR CHANGE

4.1. The advantages of whole-council elections include:

- a council has a clear mandate for four years, allowing it to adopt a more strategic, long-term approach to policy and decision making – and focus less on yearly election campaigning and the restrictions imposed by the pre-election period.
- avoiding election fatigue and the results are simpler and more easily understood by the electorate. There would be a clear opportunity for the electorate to change the political composition of the council once every four years.
- greater publicity of whole-council elections may generate higher turnout. The Electoral Commission suggest that electorates associate more clearly with whole-council elections.
- lower cost for the council and political parties in running less elections, as well as less disruptive to public buildings used as polling stations.

4.2. Continuing with the elections by thirds approach also has some advantages:

- allowing continuity of councillors by potentially avoiding a large number of new inexperienced councillors at one election.
- encouraging people into the habit of voting and voting for one person is well understood by voters. Voting for two or three councillors under whole-council elections will need to be explained well to voters to avoid confusion.
- allowing judgement of a council annually rather than every four years and allows the electorate to react sooner to local circumstances, thereby providing more immediate political accountability.

4.3. Currently the cost of local elections is incurred every 3 out of 4 years and are in the region of £78,000 per annum. Where the local elections coincide with other elections, any fixed costs incurred would be reduced by the level of contributions from external parties such as Central Government. In recent years, this has seen the council only paying half of the main costs i.e. for staffing, polling stations, postal vote packs and poll cards. The potential saving from moving to whole-council elections exceeds the contributions from combined elections.

5. ISSUES ASSOCIATED WITH THE PROPOSED CHANGE

5.1. Part of the consideration of moving to whole-council elections is to determine the date on which this would come into effect. Whilst the legislation does not allow the council to align the date with the County Council elections, it would be prudent to plan for a time that takes advantage of and aligns with another election to maximise the level of contribution to be made to the council. This is going to depend on how quickly members are minded to move to whole-elections. 2023 is to be stand-alone borough elections. 2024 will be combined

borough, Police & Crime Commissioner and possibly parliamentary elections (although it is unclear whether Government will follow parliamentary elections every five years having regards to the two most recent parliamentary elections). 2025 is County Council elections so this year is not an option.

- 5.2. By-elections are more likely to occur under a whole-election system because vacancies would need to be filled at the time they occur, rather than where, for example, a resignation is generally dealt with in the more frequent May local elections. The estimated cost for a standalone by-election could be up to £15,000.
- 5.3. A change to whole-council elections would see the council secure significant savings over a four-year period and assist in the delivery of the medium term financial strategy. While arguments exist in favour and against such a change, better value for money is obtained from whole-council elections.
- 5.4. Section 33 of the Act outlines the process the council must follow. There is a need for a resolution for whole-council elections and this requires:
 - (1) A council must comply with this section in passing a resolution for whole-council elections.
 - (2) The council must not pass the resolution unless it has taken reasonable steps to consult such persons as it thinks appropriate on the proposed change.
 - (3) The resolution must be passed—
 - (a) at a meeting which is specially convened for the purpose of deciding the resolution with notice of the object, and
 - (b) by a majority of at least two thirds of the members voting on it.
 - (3A) The resolution must specify the year for the first ordinary elections of the council at which all councillors are to be elected.
 - (3B) In the case of a district council for a district in a county for which there is a county council, the year specified under subsection (3A) may not be a county-council-elections year; and here “county-council-elections year” means 2013 and every fourth year afterwards.
- 5.5. In the event that a minimum of two thirds of members resolve to move to whole-elections the council must then publish an explanatory document on the decision and make the same available for public inspection how it sees fit and give notice to the Electoral Commission.
- 5.6. As mentioned above, prior to passing the resolution to convert to whole-council elections, the Council must have taken the decision to consult with such persons as it thinks appropriate. The legislation does not specify the nature of that consultation but in order to ensure that the decision is reasonable, the council would provide sufficient publicity and variety of engagement methods with members of the public, stakeholders and political parties for comments and representations to be made. Councillors must also be consulted in their own right. It is proposed that a 6 week consultation period would be undertaken. On conclusion of the consultation, the council will need to consider the results of the consultation and decide whether it wishes to change the electoral cycle. This would be done by way of a further Extraordinary Council meeting.

5.7. Town and Parish Councils

The Act enables the council to make an order to alter the years of the ordinary elections of towns and parishes so that they coincide with the date of whole-council elections. The order can make transitional provision for the retirement of town and parish councillors at different times than would have otherwise applied during that transitional period. In the event that the council decides to move to whole-council elections, then in order to avoid incurring the cost of standalone town council elections, it is recommended that we seek an order that aligns the Whitworth Town Council election with the whole-election date. This may also improve the turnout for the town council election.

5.8. Boundary Commission review

The Boundary Commission has stated their intention to undertake a review of the council's ward boundaries. This includes reviewing the number of wards and overall number of elected members. The Boundary Commission has stated that it would be useful for a clear decision to be taken by the council on the desired future electoral cycle prior to the commencement of the Boundary Commission review. This council decision will help inform their considerations.

6. **RISK**

All the issues raised and the recommendations in this report involve risk considerations as set out below:

- Risk is associated with the holding of elections. There is less risk overall if the number of elections is reduced. Electoral risk is mitigated by having an experienced team that keeps up to date with training and legislation. The risk to the council's reputation is substantial, so the professionalism and experience of staff in producing a transparent and accurate result is crucial. Staff training will need to be reviewed and resources increased to ensure the nomination process is managed effectively with the increase in candidate numbers and a change to ballot papers with voting for more than one candidate.
- Retention of some staff on local elections may be difficult to sustain with a four-year cycle. Currently the council do not have an issue with recruitment to the elections and staff, including temporary staff, make themselves available as required.
- Publicity and resources will be required to highlight a change to the electoral cycle and voting process to mitigate confusion on polling day.

7. **FINANCE**

7.1. A stand alone election cost circa £78,000. It is estimated that a whole-council election would cost around £90,000 but this will depend on print costs. It is therefore estimated that it would cost £234,000 for three years of elections producing a potential saving of £144,000 subject to the potential costs of any by-elections (circa £15k each).

7.2. The cost of an election is met by the body or bodies whose representatives have been elected and therefore, any occasion where a local election is combined with another would see a reduction in costs to the council.

8. **LEGAL**

The Local Government and Public Involvement in Health Act (2007) provides the legal basis for the council to change the electoral cycle. The legal implications are covered in

the body of the report

9. POLICY AND EQUALITIES IMPLICATIONS

A consultation process will be undertaken in line with the legislation and as outlined in the body of the report. Specific consideration will be given to ensure the consultation engages with residents who are often harder to reach, including those with a disability, who are older and are from a black, Asian or minority ethnic heritage. Specific consideration will also be given to consulting with younger people of voting age who are often under-represented in voting at local elections. The council will consult with Whitworth Town Council.

10. REASONS FOR THE DECISION

Council should consider agreeing the report recommendations in order to commence the public consultation on changing the electoral cycle as required by the relevant legislation. This will enable members to better understand the views of the voting public and relevant stakeholders when considering whether to move to whole-council elections or stay as election by thirds.

Background Papers	
Document	Place of Inspection
Local Government and Public Involvement in Health Act (2007)	https://www.legislation.gov.uk/ukpga/2007/28/part/2/chapter/1/crossheading/power-of-district-councils-to-change-to-wholecouncil-elections