

Southend-on-Sea Borough Council

Agenda
Item No.

Report of Chief Executive & Town Clerk
to
Council
on
21st April 2016

Report prepared by:
Rob Tinlin

Notice of Motion - Changes in Electoral Arrangements

A Part 1 Public Agenda item

1. Purpose of Report

- 1.1 This report provides background information to enable the Council to make a decision on the notice of motion on proposed changes to the Council's electoral arrangements.

2. Recommendation

- 2.1 To consider the proposals in the notice of motion on changes to the Council's electoral arrangements as set out in 3.1(i) and (ii) below.

3. Background

- 3.1 At the meeting of Council held on 10th December 2015, a notice of motion was put forward by Councillor Woodley and seconded by Councillor Moyies proposing:

- “(i) That a change in the cycle for electing councillors to Southend-on-Sea Borough Council from elections by thirds to whole-Council elections with effect from May 2018 be supported in principle and that a public consultation exercise be undertaken in accordance with the statutory requirements.
- (ii) That a reduction in the number of councillors from 51 to 34 (2 per ward) from May 2018 be supported in principle and that the Chief Executive, in consultation with Group leaders, be authorised to put the case for such proposal to the LGBCE for consideration.”

(The notice of motion is set out in full in **Appendix 1** to this report).

- 3.2 The notice of motion was referred to Cabinet in accordance with standing order 8.4. At its meeting held on 5th January 2016, Cabinet decided to refer the motion to Council for consideration alongside a report to be prepared by officers providing background information to enable the Council to make a decision.

4. Whole-Council Elections

- 4.1 At present the Council is elected by thirds, with one third of the councillors elected at a time. Under the four-yearly election option, all the seats on the Council would be up for election at the same time and the Borough Council elections would be held once every four years. At the meeting of Council held on 17th October 2013, consideration was given to moving to whole-Council elections, but it was resolved not to change the electoral arrangements.
- 4.2 The Local Government and Public involvement in Health Act 2007 (“The Act”), as amended by the Localism Act 2011, sets out a number of provisions in relation to elections including one enabling councils to vary their cycle of elections. The Act allows councils that elect by thirds to move to whole-Council elections. However, the law does not permit councils to move from elections by thirds to elections by halves.
- 4.3 In 2004, the Electoral Commission published a paper entitled “The Cycle of Local Government Elections in England: Report and Recommendations”. Although the report is now some years old, the research and recommendations are still pertinent to the decision faced by the Council. The main arguments for partial/whole-Council elections were identified in the Commission’s consultation document (2003) as follows:
- For partial elections:
- (i) More frequent opportunities for electors to exercise their right to vote.
 - (ii) May facilitate more immediate political accountability
 - (iii) May tend to produce less drastic changes in political direction, and provide greater political continuity.
 - (iv) Can ensure that the political composition of authorities more accurately reflects the correct political complexion of local areas.
 - (v) May reduce the likelihood that the timing of important or controversial decisions are distorted by the timing of elections.
- For whole Council elections:
- (vi) Greater possibility of wholesale change in control may encourage participation
 - (vii) Too frequent elections might dilute public interest
 - (viii) Opportunities for all electors in an area to influence the composition of the authority at the same time.
 - (ix) May tend to encourage greater long-term planning by authorities, and discourage continuous election campaigning.
- 4.4 The Commission also acknowledged that the costs to local authorities of running whole-Council elections would be less than those incurred by holding elections by thirds (see paragraph 8.2 for financial implications).
- 4.5 The Commission concluded that a pattern of whole-Council elections for all authorities in England would provide a clear, equitable and easy to understand electoral process which would best serve the interests of local government electors. The Commission recommended that each local authority in England should hold whole-Council elections, with all Councillors elected simultaneously, once every four years.

- 4.6 The Commission has provided information on the electoral cycle of local authorities in England, which shows that 38 out of the 56 unitary authorities currently have whole-Council elections. All of the London Boroughs and County Councils have whole-Council elections and 128 (out of the 201) of the second tier district authorities have this form of election. All of the Metropolitan districts are on elections by thirds.
- 4.7 If, the Council was minded to move towards holding four-yearly elections, then a public consultation exercise would need to be undertaken before any final decision was made. The legislation does not specify the type of consultation that should be carried out or how long the consultation process should take. However, the good practice guidance on consultation exercises suggests that a 12 week consultation period would be appropriate. The intention would be to use the following forms of consultation:
1. Website – Information about the process to be placed on the website with the ability for members of the public to complete an online survey (hard copies will be available on request and placed in libraries)
 2. Issue press release
 3. Consultation with Elected Members, local Members of Parliament and Leigh Town Council.
 4. Social Media
- 4.8 Following the conclusion of the consultation period, if it is decided to move to all-out elections, an Extraordinary meeting of Council will be needed to pass a resolution to change to whole-Council elections. There is a requirement that the resolution must be passed “by a majority of at least two thirds of the Members voting on it” (Section 33 (3)(b) of the 2007 Act). The resolution would need to specify the year the elections would be first held.
- 4.9 If, at the Extraordinary meeting, it is decided to move to whole-Council elections, then as soon as reasonably practicable, an explanatory document has to be produced setting out details of the new electoral arrangements. In addition, the Electoral Commission would need to be advised that the Council has passed a resolution to change to all-out elections.

Timing

- 4.10 The notice of motion proposes a move to whole-Council elections to take effect in 2018. The Department for Communities and Local Government has confirmed that a change in the electoral cycle could take place in any year, including as early as 2017 which is the next fallow year.
- 4.11 A change in the electoral cycle would affect Leigh Town Council. The Town Council elections are held every four years and are generally combined with the Borough elections which allows costs to be shared. The next Town Council elections are in 2019. Southend Council is able to make an Order bringing the Town Council elections in line with any revised election cycle. This would help the Town Council avoid the potential cost of a stand alone election.

5. Reduction in Council Size

- 5.1 The Local Government Boundary Commission for England (LGBCE) is the body responsible for conducting electoral reviews, which includes those relating to council size (i.e reduction in number of councillors)
- 5.2 If the Council decided to pursue a reduction in the number of councillors, then the first step would be for a formal request to be made to the LGBCE for an electoral review. The letter requesting the review must set out the reasons why the review is required and the number of councillors the Council now considers appropriate. Before deciding to agree to the request, the LGBCE would need to meet with the Chief Executive and the Leader of the Council. Once the LGBCE has decided that a review is to take place, it will advise the Council of the decision and the likely timetable for the review.
- 5.3 The Council will be requested to prepare a submission to the LGBCE setting out its case for a reduction in council size. The guidance indicates that the LGBCE will form a view about the right size for an authority by considering three areas:
- (i) Managing the business of the Council and the roles and responsibilities of councillors
 - (ii) The Council's scrutiny functions relating to its own decision-making and the Council's responsibilities to outside bodies.
 - (iii) The representational role of councillors in the local community and how they engage with people, conduct casework and represent the Council on local partnership organisations.
- 5.4 The guidance emphasises that in considering changes to Council size, the LGBCE would not base their decisions on comparisons between local authorities but rather look to local circumstances. Most Councils have remained fairly static since the reorganisation of local government in 1974, with clear exceptions where further reorganisation occurred such as in the review culminating in new unitary authorities in the 1990s. Southend did make electoral adjustments prior to becoming a unitary council and the introduction of the current political management arrangements. The Council's number of elected councillors rose from 39 to 51 following an electoral review.
- 5.5 There has been a recent increase in the number of councils requesting or promoting a review of the number of councillors, primarily with the intention of reducing numbers.

Options

- 5.6 The Economic Development and Construction Act 2009 stipulates that the LGBCE, when reviewing a council's electoral arrangements, must take account of their scheme of elections when making its recommendations. Therefore there must be some certainty about an authority's cycle of elections at the early stage of any review. This factor will influence the options available to an authority wishing to reduce the number of councillors and are set out below:
- (i) Single Members Wards. This option is only available to councils operating whole-Council elections. However, the option (based on 17 wards) would not be possible as the LGBCE has advised that the number of councillors

should not be less than 30. Single Member wards would only be possible if the number of wards were to be increased which would not be straight forward and necessitate a full electoral review resulting in major changes to boundaries. Councils electing by thirds may only put forward a proposed reduction of councillors with a number which is divisible by three (i.e three Member wards).

- (ii) Two Member wards. This option is also only open to local authorities holding elections on a four-yearly basis. Based on 17 wards and 34 Councillors (2 per ward) this option would be possible, but there would be likely to be some boundary changes needed arising from the results of an assessment of current population data and future projections. Some changes may also need to be made in response to representations made at the consultation stage.
- (iii) Multi-Member Wards (i.e. mixture of 1, 2 and 3 Member Wards). This option is only available to councils holding whole council elections. While there is a presumption in favour of a uniform pattern in the number of councillors per ward, the guidance indicates that the LGBCE will consider proposals for multi-member wards. This option is likely to necessitate major boundary revisions, inevitably adding to the time and complexity of the review process.
- (iv) Reduction of Council Size by Random Number (i.e. reduction in Councillors by any number which would not result in the total number of Councillors falling below 30). This is an option for councils holding all-out elections, but there would need to be a clear rationale for putting forward such a proposition. This option would not be available to councils holding election by thirds unless the total number of councillors is divisible by three.

5.7 The electoral review would involve a two stage consultation process which would begin by the LGBCE inviting views, including those on boundary changes. On completion of this exercise, the LGBCE would publish its draft recommendations for public consultation. The process would be concluded by the making of an Order by Parliament giving effect to the changes.

Timing

5.8 The LGBCE has indicated that it would be able to accommodate a review to enable elections to take place in 2018 based on any revised electoral arrangements. However, a review could not be completed in time for elections in May 2017. The LGBCE would need to be clear about the Council's scheme of elections and any change to the cycle would need to be determined at any early stage in the electoral review process.

6 Other Options

6.1 The Council is not obliged to move to whole-Council elections. The provisions in the governing legislation are not prescribed and the Council may choose to retain the system of holding elections by thirds should it wish to do so. However, the law does not allow the Council to move from elections by thirds to elections by halves.

6.2 The notice of motion also proposes a reduction in the number of councillors from 51 to 34 (2 per ward). There are other variations in the reduction of councillors

which could be put forward to the LGBCE. The options are addressed in paragraph 5.6 above.

7 Reasons for Recommendations

7.1 To respond to the notice of motion

8 Corporate Implications

8.1 Contribution to Council's Vision and Critical Priorities

Becoming an excellent and high performing organisation.

8.2 Financial Implications

If the Council decided that elections should be held every four years, then a saving of around £50,000 per annum would be made (this takes account of possible by-elections – see below).

It should be noted that by-elections are more likely to occur under a system of whole-Council elections. Under the Council's current arrangements, if a councillor resigns or dies within 6 months of planned local elections, the election for that seat can be held at the same time as the annual cycle of elections in May, rather than separately as a by-election. Therefore elections held 3 out of 4 years minimises the number of by-elections whereas elections every 4 years could increase the number of by-elections. Funding (£10,000) would need to be set aside each year to fund a possible by-election.

A reduction in the number of councillors from 51 to 34 (2 per ward) would produce an annual saving of around £155,000 in member allowances, ICT equipment and printing.

The savings achieved by the proposed changes to the electoral arrangements would contribute towards meeting the Council's budgetary challenges.

8.3 Legal Implications

The legal implications are addressed in the report.

8.4 People Implications

None.

8.5 Property Implications

None.

8.6 Consultation

As set out in the report.

8.7 Equalities Impact Assessment

None.

8.8 Risk Assessment

The Council will need to ensure that the statutory processes are complied with in pursuing any changes to its electoral arrangements.

8.9 Value for Money

Not applicable.

8.10 Community Safety Implications

None

8.11 Environmental Impact

Not applicable.

8 Background Papers

The Cycle of Local Government Elections in England – Consultation Paper – Electoral Commission (2003)

The Cycle of Local Government Elections in England – Recommendations for change - Electoral Commission (2004)

The Economic Development and Construction Act 2009

Local Government and Public Involvement in Health Act 2007

Localism Act 2011

Local Government Boundary Commission for England – Electoral Reviews (2014)

9 Appendices

Appendix 1 – Notice of Motion – Changes in Electoral Arrangements.

Notice of Motion – Changes in Electoral Arrangements

That in the light of the financial constraints faced by the Council and the need to make substantial savings in future years as a consequence of Government budget cuts, this Council should now consider changes to its electoral arrangements.

Whole-Council Elections

At present the Council is elected by thirds, with one third of the Councillors elected at a time. The Council should now move towards holding elections every four years which would produce an annual saving of around £50,000.

Information received from the Electoral Commission indicates that 38 of the 56 English Unitary Authorities currently have whole-Council elections. All of the London Boroughs and County Councils have whole-Council elections and 128 (out of 201) of the second tier district authorities have this form of elections.

The Council would be required to undertake a public consultation exercise on the proposed change. Following the conclusion of the exercise, if it is decided to move to all-out elections, an Extraordinary Council meeting will be needed to pass a resolution to move to whole-Council elections. There is a requirement that the resolution must be passed “by a majority of at least two thirds of the Members voting on it”.

Reduction in the Number of Councillors

The Council has downsized in recent years and there has been a significant reduction in the number of staff without a corresponding percentage reduction in the number of councillors. The Council should now consider reducing the number of councillors from 51 to 34 (2 per ward) which would produce an annual saving of around £155,000 in members’ allowances, ICT equipment and printing.

A case would need to be submitted to the Local Government Boundary Commission for England (LGBCE) which would consider whether to carry out a review and, if so, would proceed to carry out a public consultation exercise. Draft recommendations would be produced upon which a second round of consultation would take place. The LGBCE would publicize its final recommendations and then an Order would be made giving effect to the changes.

It is proposed:

- (i) That a change in the cycle for electing councillors to Southend-on-Sea Borough Council from elections by thirds to whole-Council elections with effect from May 2018 be supported in principle and that a public consultation exercise be undertaken in accordance with the statutory requirements.
- (ii) That a reduction in the number of councillors from 51 to 34 (2 per ward) from May 2018 be supported in principle and that the Chief Executive, in consultation with the Group Leaders, be authorised to put the case for such a proposal to the LGBCE for their consideration.