

Meeting: Full Council
Date: 19 October 2023
Classification: Part 1
Key Decision: Yes / No
Title of Report: Election Cycle change consultation

Executive Director: Claire Shuter, Executive Director of Strategy & Change
Report Author: Kim Sawyer, Director of Legal Services
Executive Councillor: Cllr Cox, Leader

1. Executive Summary

- 1.1. The purpose of this report is to seek approval to launch a consultation to gauge public and stakeholder opinion on whether to move to an “all out” electoral cycle or continue with election by thirds.
- 1.2. The Council made a commitment to explore a change in electoral cycle when it accepted the findings and recommendations of the Local Government Association Corporate Peer Challenge. An upcoming ward boundary review makes this an opportune time to undertake the consultation.

2. Recommendations

It is recommended that Council:

- 2.1. Agrees to commence an 8-week consultation with relevant stakeholders on a proposal to change the Council’s scheme for elections by thirds to a scheme for whole council “all-out” elections.
- 2.2. Delegate authority for agreeing the consultation approach and plan to the Executive Director of Strategy and Change in consultation with the group leaders.

3. Background

- 3.1. 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 elected at the same time and the City Council elections would be held once every four years. This is often referred to as ‘all-out’ or whole council elections.

- 3.2. In October 2022, the Local Government Association (LGA) and peers conducted a Corporate Peer Challenge (CPC). Peer challenges are not inspections but are improvement focussed and tailored to meet individual Councils' needs.
- 3.3. Peers found that the Council is self-aware and has huge potential with many positive attributes and assets both within the Council and city, including the strong community ethos and sound financial management. However, they also found that approaches to leadership, governance and decision making were impacting the council's capacity to progress. The LGA's findings were published, and nine recommendations were made.
- 3.4. One of nine recommendations asked the Council to consider moving to a four yearly "all out" electoral cycle as an alternative to the current system of election by thirds (with the exception of the fourth year). Peers determined this view having heard from a number of officers and councillors who described how the current system can impact on strategic decision making and direction.
- 3.5. Peers further recognised the opportunity to consider the election cycle alongside Southend's upcoming ward boundary review, which will require an 'all out' or whole council election in the first year after implementation. The timetable for the ward boundary review is to be confirmed but is expected to begin in the new year.

4. National context

- 4.1. 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:
 - 4.2. For elections by thirds:
 - 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.
 - 4.3. For whole Council elections:
 - i. Greater possibility of wholesale change in control may encourage participation
 - ii. Too frequent elections might dilute public interest
 - iii. Opportunities for all electors in an area to influence the composition of the authority at the same time.
 - iv. Encourages 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 section 8 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. Over the past 20 years, the sector has seen a shift from election in thirds (where 58% of unitary councils elected a third of their members at one time) towards whole council elections (where 76% of unitary councils are now electing all their members once every four years).
- 4.7. Most recently, the Government's July 2023, draft Best Value Guidance and consultation describes characteristics of a well-functioning council as one that moves to whole council elections, citing reasons of "enhanced stability and reduced ongoing campaigning that can hinder improvement".

5. Local Government Boundary Commission for England: Southend electoral review

- 5.1. The Council has been notified by the Boundary Commission for England of its intention to undertake an electoral review in Southend. This is in line with its duties in law to carry out such a review 'from time to time'. The last review of this type in Southend was in 1999.
- 5.2. The purpose of an electoral review is to consider the number of councillors elected to the council, the names, number and boundaries of the wards and the number of councillors to be elected to each ward.
- 5.3. After the review, the Council will be required to have an 'all out' election, where every seat is contested. The date of that election is to be confirmed, but the current working assumption is that it is likely to be 2026.
- 5.4. In councils that elect by thirds, the Commission will seek to return a uniform pattern of three member wards rather than retain the option of two member wards.
- 5.5. Based on the assumption that the Council opts for an electoral review that is implemented by an 'all out' election in May 2026, it must inform the Boundary Commission prior to August 2024 of any decision to change the electoral cycle.
- 5.6. In order to gauge public opinion on the matter and decide whether or not to put a potential change to the Council for consideration informed by consultation, an eight-week consultation would ideally take place from early November 2023. This would mean that the Council has time in the new year to consider the results of the consultation before deciding whether to move to whole Council elections.

6. Reasons for Decisions

- 6.1. The purpose of this report is to provide the information required to consider whether to launch a consultation with stakeholders on a move to “all out” whole-council electoral cycle or to continue with an election by thirds. Consulting with local residents and business will provide councillors with a variety of views to support their deliberation of the matter.
- 6.2. The decision to consult would support the Council’s prior decision to consider this matter alongside the upcoming ward boundary review as set out in the LGA’s Corporate Peer Review.
- 6.3. Consulting further allows Council to consider the final question of whether to move to an ‘all-out’ whole election system, which if taken, would bring the Council in line with the approach taken by the majority of other councils as well as providing important financial savings.

7. Other Options

- 7.1. The Council is not obliged to move to whole-council elections and therefore it is not obliged to consult. The provisions in the governing legislation are not prescribed and ultimately the Council may choose to retain the system of holding elections by thirds should it wish to do so. The decision to consult is not binding on a decision to move to all-out elections.
- 7.2. Deciding not to go to consultation will stop the process. This would mean that the views of residents and businesses are not heard in the debate. In addition, it should be noted the Council would need to include this position within its progress update to the LGA as part of the review of our progress against the Corporate Peer Review in the new year.

8. Financial Implications

- 8.1. If the Council decided that elections should be held every four years, then a saving of around £55,000 per annum would be made (this takes account of possible by-elections).
- 8.2. 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 their seat coming up for election, the election 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.
- 8.3. The savings achieved by the proposed changes to the electoral arrangements would contribute towards meeting the Council’s budgetary challenges.

9. Legal Implications

- 9.1. 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 a council to vary the 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.
- 9.2. For Council to consider the question of moving towards holding four-yearly elections, a public consultation exercise would need to be undertaken before any final decision was made.
- 9.3. Following the conclusion of the consultation period, this matter must come back to Council for a decision on whether to change the electoral pattern of the Council. As this report relates only to the decision to consult and the legal implications regarding a decision to change the electoral pattern will be dealt with when the consultation outcome is reported to Council.

10. Carbon Impact

- 10.1. The consultation will take place largely on-line, promoting this option at virtual as well as in-person events and via communication channels, therefore reducing reliance on printed media, although paper copies will be available where necessary.
- 10.2. Reducing the election cycle from three into one, and if aligned to the Police Fire and Crime Commissioner elections, would allow opportunities to minimise the carbon impact of producing materials, running, and taking part in elections.

11. Equalities

- 11.1. An equalities impact assessment will be undertaken to ensure that the consultation will be carried out with due regard to facilitating participation by those with protected characteristics under the Equality Act 2010.
- 11.2. The Electoral Commission’s 2003 research, as mentioned above, found that *“the apparent disparities and contradictions of the current pattern of electoral cycles are not, in themselves, of particular concern to us. However, our research has found significant evidence of confusion and misunderstanding which suggests that many electors simply do not know when or why local elections are held in their area.”*
- 11.3. 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.

12. Consultation

- 12.1. Section 116 of the Local Government Act 2003 provides a specific power for local authorities to hold local “advisory polls”.
- 12.2. The result of a Section 116 poll is not binding on the Council or any other entity. It is purely advisory. It does however provide clear evidence of the public views on the matter being put before them.
- 12.3. Proceeding with a public engagement/consultation does not in any way bind the authority to seeking a resolution to amend the election cycle.
- 12.4. Under Section 116 it is a Council function to determine who to engage/consult and how the engagement/consultation is to be conducted.
- 12.5. The Council will need to agree:
 - Whether a public engagement/consultation is required?And if it is:
 - the participant/s
 - the question; and
 - how the public engagement/consultation is to be conducted.
- 12.6. Subject to the Council agreeing to consult, it is recommended that authority is delegated to the Executive Director of Strategy and Change to decide how to approach to consultation. The Executive Director will consult with the Leader and leaders of the Council’s other groups on the content and extent of the consultation before its public launch.