

**Democratic Representation Review**

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| <b>Final Decision-Maker</b>               | Democracy and General Purposes Committee                           |
| <b>Lead Head of Service</b>               | Angela Woodhouse, Head of Policy,<br>Communications and Governance |
| <b>Lead Officer and Report<br/>Author</b> | Ryan O'Connell, Democratic and Electoral<br>Services Manager.      |
| <b>Classification</b>                     | Public   |
| <b>Wards affected</b>                     | <i>All</i>   |

**Executive Summary**

This report sets out the scoping of the Democratic Representation Review. The purpose of the review is to bring together requests from Members to look at Whole Council Elections, and electoral boundaries. The report makes recommendations on how to take the review forward and to seek Members' input into the scope of the review.

**Purpose of Report**

Decision

**This report makes the following recommendations to this Committee:**

1. That a Democratic Representation Review be agreed and timetabled into the Democracy and General Purposes work programme;
2. That the review be carried out by the full committee, with the possibility of smaller 4-5 member, working groups reserved for specific issues in the future;
3. That Democracy and General Purposes Committee determine whether to proceed with the work on Whole Council Elections.
4. That a consultation be carried out with Members to identify any further issues with electoral boundaries, or other similar matters, with the results used to inform a scoping report for the next meeting of Democracy and General Purposes Committee

**Timetable**

| <b>Meeting</b> | <b>Date</b>                   |
|----------------|-------------------------------|
| D&GP Committee | 3 July 2019, 4 September 2019 |
| Council        | 17 July 2019 (if required)    |

# Democratic Representation Review

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

| <b>Issue</b>                          | <b>Implications</b>  | <b>Sign-off</b>                           |
|---------------------------------------|--|---|
| <b>Impact on Corporate Priorities</b> | An appropriate method of electing councillors, and suitable boundaries to support the election of councillors underpins all the work of the Council.   | Democratic and Electoral Services Manager |
| <b>Cross Cutting Objectives</b>       | An appropriate method of electing councillors, and suitable boundaries to support the election of councillors underpins all the work of the Council.   | Democratic and Electoral Services Manager |
| <b>Risk Management</b>                | No significant risks. See paragraph 5 below.   | Democratic and Electoral Services Manager |
| <b>Financial</b>                      | The review would need to include financial considerations and the outcomes could increase cost or reduce expenditure depending on the options agreed.  | Democratic and Electoral Services Manager |
| <b>Staffing</b>                       | The review will be delivered within current staffing resource.   | Democratic and Electoral Services Manager |
| <b>Legal</b>                          | No direct implications, but any decisions arising from the review, whether relating to Whole Council Elections or boundaries will need to follow the relevant legislation to be implemented. | Democratic and Electoral Services Manager |
| <b>Privacy and Data Protection</b>    | No implications.   | Policy and Information Team               |
| <b>Equalities</b>                     | None directly, but any amendments to boundaries from the review would need to consider the impacts on residents including equalities.  | Democratic and Electoral Services Manager |
| <b>Public Health</b>                  | We recognise that the recommendations will not negatively impact on population health or that of individuals.  | Democratic and Electoral Services Manager |

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|---------------------------|------------------|---|
| <b>Crime and Disorder</b> | No implications. | Democratic and Electoral Services Manager |
| <b>Procurement</b>        | No implications  | Democratic and Electoral Services Manager |

## 2. INTRODUCTION AND BACKGROUND

### Whole Council Elections

2.1 At its meeting on 27 February 2019 the Council adopted a motion relating to Whole Council Elections. Extract from the minutes:

“The following motion was moved by Councillor Perry, seconded by Councillor Mrs Blackmore:

*That the Officers be instructed to investigate the possibility of changing to four yearly elections, which would follow the practice of Kent County Council. This would include an analysis of the potential cost savings if this change were to be implemented. Officers will report their findings to the Democracy Committee in the first instance.*

In accordance with Council Procedure Rule 17.5, the motion having been moved and seconded was referred to the Democracy Committee. The Mayor said that since the desired outcome at this stage was the preparation of a report, he did not consider that a debate was necessary.

Councillor English requested that his dissent be recorded as he would have wished to debate the parameters of the request for a report.”

### 2.1 Legislative Context for Review of Electoral Cycle

Legislative change introduced by the Local Government and Public Involvement in Health Act 2007 [the Act] allows the Council to resolve to change its electoral cycle at certain fixed periods of time.

The Act states that boroughs 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. Consideration will need to be given in any review into how likely it will be to get the majority required to make the change, this has been considered and rejected on a number of occasions previously most recently by the Democracy Committee in November 2016 midway through a review of elections.

If an authority wishes to move from elections by thirds to whole council elections, it must carry out the following actions in the order listed:

- Consult such persons as it thinks appropriate on the proposed change
- Convene a special meeting of Council
- Pass a resolution at that special Council meeting to change the electoral
- pattern by a two thirds majority of those voting
- Publish an explanatory document on the decision and make this available for public inspection
- Give notice to the Electoral Commission.

If the Council resolved to move to whole Council elections in 2023 and every fourth year thereafter, any Town or Parish elections that fall in the years when there is no borough elections would have to meet the whole cost of their elections in the same way they would at a by-election. It would also therefore be worth considering when Parishes hold their elections. 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 by the Borough. 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.

### 2.3 Timing of all out Elections:

The Electoral Commission in their report "cycle of local elections" from 2004 recommend that district elections should take place in year 1 and then county in year 3. This aligns to the cycle in Kent for those who have all out elections every 4 years.

The 2007 act states that a decision to change the electoral scheme could only be made in 2010 then every fourth year after from the day after the AGM until 31 December of that year. The Localism Act 2011 changed this too remove permitted periods to make the change and added that the resolution must specify the year in which whole council elections will be held and that that year cannot be the same as the County Council Elections:

"(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."

The first all out election if change were agreed may not be the same year as a county council election year. The next County Council election year is 2022. The timing of the election could be based on the last all out election which was May 2002, so following a four yearly cycle it would be due in May 2022 – this would coincide with the next scheduled parliamentary election. To reduce risk and overload it would be sensible not to hold all out at the same time as Parliamentary, we could fit with other district councils who are all out every 4 years, they last held elections this year, so we would be looking at 2023 for the first all-out elections.

### 2.4 Costs

Costs and savings have been considered if we were to use the cost of running a general election as a basis for the cost of running an all out local election this would be an estimated £275,000 versus the cost of running elections by third (based on 2018 and 2019 figures respectively) of 174,000 per election – total cost of £522,000 gives an estimated figure of £240,000 saving across the four year electoral cycle. More detailed work needs to be done to consider factors such as the likely number of parish council elections which would see the cost of an all-out increase above our estimate.

### **Democratic Representation Issues**

- 2.5 Maidstone's last boundary review was in 2002 and since that time there have been significant changes in the population and built environment of Maidstone Borough. Naturally some areas have been impacted more than others, and whilst officers have calculated that Maidstone does not meet the automatic triggers for another boundary review, there are numerous examples of issues with boundaries. In addition the Government had recently proposed changes to parliamentary constituencies that have yet to be implemented.
- 2.6 At the Chairman and Vice-Chairman Committee work programme meeting in April 2019 the possibility of reviewing boundaries was raised and strongly supported by Members, with several practical issues raised. There was agreement on looking at a review that could bring together Whole Council Elections, boundaries and any other issues relating to democratic representation that were identified.
- 2.7 It is therefore proposed that the Committee agree to carry out a review, taking Members' and Officers views and evidence into account. The full scope of the review is yet to be determined and will require further work by the Committee.

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### **3. AVAILABLE OPTIONS**

- 3.1 The Committee could decide not to progress with a review and wait until the Boundary Commission contacts us to review our boundaries. This would mean that the issues currently identified with boundaries, and any other issues not yet identified by a review would not be resolved. Further, the Committee would still need to consider whether the issue of Whole Council Elections goes ahead or not, which potentially could have an impact on boundaries and numbers of Members.
- 3.2 The Committee could decide to ask officers to lead on the review and report back to committee with their findings. This is not recommended as members have raised a number of concerns directly and have significant experience to share with the review. Further, Member involvement in the review will ensure Member buy-in to the outcomes which will be important for the operation of elections and other activities that impact Members directly.

- 3.3 The Committee could decide to progress with a Member led review, overseen by the Committee and using available tools such as working groups, calling witnesses, interviews with officers. It is recommended that a consultation with Members be carried out to fully ascertain their concerns with democratic representation prior to scoping the review at the next Committee meeting in September 2019.
- 3.4 If the work on Whole Council Elections is agreed as part of this review a more detailed report on the issue will be brought to the September 2019 and considered alongside the scope of the wider review. If the work is not agreed then a reference would be produced back to Full Council in response to the motion.
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#### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 It is recommended that Committee lead on a Democratic Representation Review, programming it into their work for the year. The first step would be to fully scope and set out what should be included and the areas of priority for the Committee. In order to do this and fully involve Members it is recommended that officers, with agreement of the Chairman, contact Members and carry out a consultation on possible boundary or democratic representation issues. It should be noted that these issues would need to relate to practicalities.
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#### **5. RISK**

- 5.1 The only risk at this stage is that resource is put into developing a review that does not have Member support. The purpose of this report is to help manage that and resource implications to date have been low. The review would need to identify further relevant risks as part of its work. It is likely that these risks would be minimal, but if any arose that were significant they would be reported and managed appropriately.
- 5.2 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. That consideration is shown in this report at 5.1. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.

#### **6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 6.1 Whole Council Elections has been considered on several previous occasions and has never been implemented:
- Following a motion to Council in 2008 to look at elections a scrutiny review was commissioned in 2009 which led to public consultation on 4 yearly elections in December 2010 a motion to change the electoral cycle to all out elections was put to full Council. This motion was lost.
  - On 17 September 2014 – A motion was put to full council to change to a four yearly cycle for elections also known as whole council elections. This motion was lost.

- On 22 April 2015 – A motion was put to council to hold a referendum on four yearly elections. This motion was lost.
- In summer 2016 the Democracy Committee began a review of the electoral cycle and in November 2016 the Committee decided not to continue with the review.

6.2 A consultation is proposed with Members to establish the scope of the review.

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## **7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

7.1 The report sets out next steps in 3.3 and 3.4

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## **8. REPORT APPENDICES**

None

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## **9. BACKGROUND PAPERS**

- Minutes of the Council Meetings held on:
  - 15 December 2010
  - 17 September 2014
  - 22 April 2015
  - 27 February 2019
- Minutes of the Democracy Committee held on 16 November 2016