

**CORPORATE SERVICES OVERVIEW AND SCRUTINY  
COMMITTEE**

**WHOLE AND PARTIAL COUNCIL ELECTIONS REVIEW**

**MUNICIPAL YEAR 2008 - 2009**

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## **1. Executive Summary**

- Local Government now has power to pass a decision to move to whole council elections. The Councillors Commission recommends a single election method be utilised by all local authorities to ensure uniformity. The Electoral Commission advises that all local authorities should hold whole council elections.
- We have identified that neither electing by partial nor whole council elections is certain to be more beneficial to the electorate, politicians or the local authority. Rather both offer conflicting advantages and disadvantages.
- There is evidence of electoral confusion with regard to frequency and timing of local elections nationwide. Although uniformity of local area elections may reduce confusion, it may not necessarily be the most appropriate method to ensure a sustainable increase in electoral turnout.
- Turnout within the Kent Districts between 2003 and 2007 does not show any correlation between electorate participation and election frequency.
- Consultation should take place over a minimum of 12 weeks and must reflect the Code of Practice of Consultation as established by the Cabinet Office. It is advised that an outside agency be employed to ensure best results. Consultation should take place as is seen appropriate.
- Although it is not mandatory to do so, it is advisable that Parish Council elections are held simultaneously to Local Council elections.
- Although there is a possibility that single member wards may improve clarity of the electoral process, multi member wards enable Councillors to share expertise and assist each other within their roles. The implementation of single member wards will require major planning, Boundary Commission consent, significant officer time and considerable funding.

## 2. Recommendations

**Recommendation 1:** That Council reviews this report and makes a decision as to whether or not to go out to consultation on implementing whole council elections.

**Recommendation 2:** That improving voter turnout be reviewed by the Council.

**Recommendation 3:** That, as set out within Section 53 of the Local Government and Public Involvement in Health Act 2007, if the election cycle changes, Parish Council elections be held at the same time as Local Council elections.

**Recommendation 4:** That Council reviews this report and agrees whether single member wards would be desirable, and subject to the Council's decision on whether to move to whole Council elections, a request should be made to the Boundary Commission, as outlined within Section 55 of the Local Government and Public Involvement in Health Act 2007.

## **The Elections Cycle**

### *A comparison of Whole Council and Partial Council Elections*

#### **3. Introduction**

- 3.1 At the meeting of Maidstone Borough Council on 27 February 2008, Councillor Mrs Stockell put the following motion to the Council:

“Following on from previous questions on the issue of having whole Council elections and the obvious support at the time from Councillors, Members were advised by the Chief Executive that this could not be feasibly introduced until 2009.

I would therefore formally propose that this Council agrees, in accordance with the provisions of the Local Government and Public Involvement in Health Act 2007, to consult all interested parties on the introduction of whole Council elections for Maidstone.”

- 3.2 This motion was carried and the Democratic Services Manager is now investigating the potential for the Council to move to whole Council elections.

## 4. Terms of Reference and Focus

4.1 The focus of this Review is as follows:

- What are the advantages and disadvantages of moving to whole council elections for:
  - The electorate
  - The politicians
  - The Council (including electoral administrative staff)
- What methods of consultation can be used?
- What is the impact, if any, on voter turnout?

4.2 The Terms of Reference of this Review are as follows:

- Establish clear advantages and disadvantages of moving to whole council elections in order that councillors and the electorate can be reliably and fully informed; and
- Identify an appropriate method of consultation to gather views on the proposed changes.

### 4.3 **Committee Membership:**

Councillor Mrs Paulina Stockell (Chairman)  
Councillor Derek Butler (Vice-Chairman)  
Councillor Allan Bradshaw  
Councillor Eric Hotson  
Councillor David Marshall  
Councillor Mrs Pat Marshall  
Councillor Brian Mortimer  
Councillor Colin Parr  
Councillor Mrs Fran Wilson

4.4 The Committee would like to thank all those who all those who gave their time to assist with the review, including: Alison Broom, Director of Operations; Steve Goulette, Assisted Director of Regulatory and Environmental Services; Brian Parsons, Head of Internal Audit and Risk Strategy Management; Neil Harris, Democratic Services Manager; Gill Gymer, Registration Services Manager; Vronni Ward, Corporate Marketing Manager; John Turner, Chief Executive of the Association of Electoral Administrators; Councillor R Bliss, Leader of Shepway District Council; and the Democratic Services teams within Swale Borough Council and all Kent districts.

## 5. Background

- 5.1 Within Kent, the majority of local authorities hold 'whole' or 'all-out' elections every four years. Borough Councillors for Maidstone, Swale and Tunbridge Wells, however, are elected for a four year term and stand down by thirds ('partial council' elections). Local elections occur within the borough three out of the four years. Within the fourth year Kent County Council (KCC) elections are held.
- 5.2 Since the enactment of Section 33 of the Local Government and Public Involvement in Health Act 2007, the power to change to whole council elections rests with the Local Council as opposed to National Government. Maidstone Borough Council can resolve to move to whole council elections up until 31<sup>st</sup> December 2010. The first whole council elections will then take place in 2011. Swale Borough Council has also undertaken a review into the possible move to whole council elections and now has a commitment to go to consultation on moving to whole council elections<sup>1</sup>. There is no obligation for the Council to change the current election process.
- 5.3 This review demonstrates that there are advantages and disadvantages with each electoral method and neither one can be said to be considerably more beneficial. This is reflected within the Electoral Commission's report published in 2008, which concluded that a more co-ordinated and unified approach to electoral administration is necessary. There was, however, less agreement as to how this should be achieved<sup>2</sup>. Changing the frequency of elections may not be the most appropriate method.

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<sup>1</sup> Swale Borough Council are currently unable to provide details of when consultation will take place.

<sup>2</sup> *Electoral Administration in the UK*, The Electoral Commission, 2008, page 11.

## 6. Legislation

6.1 In 2006 the Local Government White Paper, "Strong and Prosperous Communities", stated that Government would "give all local authorities the freedom to opt for whole council elections and enable all those holding such elections to move to single member wards<sup>3</sup>"; this was enacted within the Local Government and Public Involvement in Health Act 2007.

6.2 Section 33 of the Local Government and Public Involvement in Health Act 2007 provides the following requirements with regard to Council resolutions for whole council elections:

- 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.
- 4) The council must pass the resolution in a permitted resolution period.
- 5) In subsection (3) the reference to the members of the council includes, in a case where the council are operating a mayor and cabinet executive, the elected mayor of the council.
- 6) In this section "permitted resolution period" means—
  - a) In relation to a metropolitan district council –
    - i. The period ending with 31 December 2009, or
    - ii. The period in 2013, or in any fourth year afterwards, that starts with the day after that council's annual meeting and ends with 31 December.
  - b) In relation to a non-metropolitan district council –
    - i. The period ending with 31 December 2010, or
    - ii. The period in 2014, or in any fourth year afterwards, that starts with the day after that council's annual meeting and ends with 31 December.

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<sup>3</sup> *Strong and Prosperous Communities, The Local Government White Paper (2006) Cm 6939-I, p.49.*



- 7) The Secretary of State may by order provide that a permitted resolution period is to end later than the day determined in accordance with subsection (6).

## 7. Electoral Commission Guidance

7.1 In 2004, the Electoral Commission published a report entitled *The Cycle of Local Government Elections in England*. The report recommended that:

“the cycle of local and sub-national government elections in England should follow a clear and consistent pattern, within and across local authorities. Individual authorities should not be permitted to ‘opt out’ of this pattern, and any newly created authorities should also follow the same pattern<sup>4</sup>”;

“each local authority in England should hold whole council elections, with all councillors elected simultaneously, once every four years<sup>5</sup>”; and

“The Commission recommends that all local government electors in England should elect members of their district, metropolitan borough, London borough or unitary council simultaneously once every four years. Two years later, in the mid-point of the electoral cycle, electors in areas with county councils, city-wide authorities or any future sub-national government should elect representatives to those bodies<sup>6</sup>.”

7.2 The 2007 report of the Councillors Commission<sup>7</sup> supports the proposal for whole Council elections, with Recommendation 18 stating:

“A uniform cycle of all-out four yearly local elections should be introduced across the whole of England. All authorities in a given region should be elected on the same day, but not all regions should hold elections at the same time. Local elections should not take place on the same day as national or European elections<sup>8</sup>.”

7.3 Despite the Electoral Commission’s recommendations it is also recognised that it may not necessarily be desirable to have one election method in place across the entire of the UK. Rather, it is emphasised that the most appropriate voting mechanism is one which best suits the electorate within the local area. In 2003 the Electoral Commission stated that:

“[W]e do not see a consistent pattern of local electoral cycles as necessarily desirable in its own right. Rather, we recognise the significant benefits to wider public understanding and awareness

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<sup>4</sup> *Cycle of Local Government Elections*, the Electoral Commission, Executive Summary, (2004), p.4

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid* page 5.

<sup>7</sup> The Report of the Councillors Commission, *Representing the Future*, (2007), available at <http://www.communities.gov.uk/documents/localgovernment/pdf/583990.pdf>

<sup>8</sup> *Ibid* p.83.

of democratic rights that a more consistent pattern would bring<sup>9</sup>.”

- 7.4 Despite the Electoral Commissions recommendations, there are also arguments which support the continuation of partial council elections.

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<sup>9</sup> *The Cycle of Local Government Elections in England*, Report and Recommendations, Electoral Commission (2003) p.14.

## 8. Implications for the Electorate and Voter Turnout

8.1 The Electoral Administration Act 2006 identifies that Local Councils are expected to take decisions which will encourage improvements in electorate participation. Electorate participation is essential in order to ensure a sufficient democratic process and the legitimacy of Local Government. The significant issue to consider, therefore, is whether the implementation of whole council elections will encourage an increase in voter turnout.

### 8.2 Simplification of the Election Process

The primary reason given for the Government proposal for authorities to implement whole council elections was that it should enable a simpler voting system, increasing clarity for local voters. Research conducted by MORI during March and April 2003 reported that a significant proportion of the electorate was unaware of the frequency of local elections within their area<sup>10</sup>.

8.3 A complicated electoral process and a lack of understanding of the system may deter the electorate from voting, resulting in a low turnout. The Electoral Commission stated:

“We are concerned that the complex current pattern of different local electoral cycles across England does not help electors to understand the opportunities open to them for participation in the democratic process.<sup>11</sup>”

8.4 Arguably, this confusion is exacerbated within the Borough as a result of the combination of multi-member *and* single-member wards<sup>12</sup>. Consequently there will be years in which elections occur only in some wards. Within Maidstone 11 wards are represented by three Councillors, seven are represented by two Councillors and eight have single Councillor representation. The implementation of whole council elections will require all local elections to occur in unison and therefore should reduce electorate confusion. Supporting this MORI (2003) recorded that 58% of those questioned backed the alignment of all ward elections within their authority<sup>13</sup>.

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<sup>10</sup> *Electoral Cycles, General Public Quantitative Research*, The Electoral Commission, (April – May 2003), p.4. 23% gave an incorrect answer or said they did not know when asked if there was a local election to be held soon.

<sup>11</sup> *Cycle of Local Government Elections*, the Electoral Commission, Executive Summary, January, (2004) p.1.

<sup>12</sup> *The Cycle of Local Government Elections in England*, Report and Recommendations, Electoral Commission (2003) p.12.

<sup>13</sup> *Electoral Cycles, General Public Quantitative Research*, The Electoral Commission, (April – May 2003), p.11.

- 8.5 Nonetheless, the Councillors Commission suggests that implementing whole council elections is not necessarily the most appropriate way of addressing problems associated with the local electoral system, in particular the issue of a low electoral turnout<sup>14</sup>.
- 8.6 In 2003 the Local Government Chronicle (LGC) Elections Centre produced a paper – Electoral Cycles in English Local Government<sup>15</sup> – which directly considered the implications of the frequency of elections upon the electorate’s voting behaviour. The study compared the electorate turnout within Metropolitan Boroughs which hold partial elections, and 32 London Boroughs which hold whole council elections. The comparison of these two authority types demonstrates that the London Boroughs generally have a higher turnout<sup>16</sup>. Nevertheless, the paper identifies that electoral frequency and the proportion of members elected are only two factors determining electorate participation. For example, it was found that within all areas turnout declines as ward size increases. Additionally, where strong competition exists between the three main political parties, local people are more likely to participate in the election. Finally, the report indicates that although alterations in the voting system may lead to an initial change in voter turnout, this increase may not persist once the change in model has faded<sup>17</sup>. This makes it problematic to predict to what extent a change to voting frequency will affect levels of electorate participation<sup>18</sup>.
- 8.7 Further to this, consultation carried out by the Electoral Commission identified that a number of respondents, particularly those from within local government, suggested that low levels of turnout were actually caused by “the decreasing powers and relevance of local government’s ability to affect change<sup>19</sup>”, a matter which was picked up when a Corporate Services Overview and Scrutiny working group reviewed the balance of power between central and local government earlier this year. If this is the case, amendments to the electoral cycle are unlikely to result in a significant improvement to democratic participation. However, the Commission rejects this opinion and continues by stating that:

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<sup>14</sup> The Report of the Councillors Commission, *Representing the Future*, (2007), p.30. Recommendation one of the Committee states that all local authorities should be charged with an explicit duty to facilitate local democratic engagement; to explain local governance; to actively promote civic participation; and to promote the role of councillors.

<sup>15</sup> Rallings, C and Thrasher, LGC Elections Centre, *Electoral Cycles in English local Government*, (2003).

<sup>16</sup> *Ibid* p.23.

<sup>17</sup> *Ibid*.

<sup>18</sup> *Ibid* p.2.

<sup>19</sup> *The cycle of Local Government Elections in England*, Report and Recommendations, The Electoral Commission, (2003), p.20.

"We recognise that many different factors may influence levels of turnout, but do not accept that individual exceptions to the Elections Centre's findings invalidate its conclusions. The balance of evidence suggests that local government electors are less likely to participate in the democratic process in areas that hold elections by thirds<sup>20</sup>."

#### 8.8 Voter Fatigue

It is also contended that whole council elections diminish the possibility of voters becoming disinterested in elections as a result of being required to vote annually. This is known as "voter fatigue"<sup>21</sup>. Ensuring that the electorate holds an interest in the local political climate, as opposed to burdening them with a repetitive election process should ensure the electorate remains active.

8.9 However, in 2003 MORI stated that 71% of those questioned as part of the Electoral Commission's review thought that the frequency of elections was "about right"<sup>22</sup>. Only 8% of people living in wards with partial elections said that they were taking place too often<sup>23</sup>. This suggests that 'voter fatigue' as a result of partial elections is not as much of a problem as has been suggested by those who favour the use of whole council elections. Furthermore, if whole council elections were implemented, the electorate would continue to be expected to participate in European Parliament elections, National elections and County Council elections.

#### 8.10 Electoral Equality

The Electoral Commission has identified that to ensure a democratic voting system, the local voting process must be equitable. The current use of both whole and partial council elections within England renders this impossible. The existence of multi-member and single-member wards within the Maidstone Borough may also intensify this problem. In 2004 the Commission identified that:

"It is fundamentally unfair and, in our view, unacceptable that within an individual local authority some electors may have fewer opportunities to vote and influence the political composition of the authority than their neighbours in a different ward<sup>24</sup>."

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<sup>20</sup> *The cycle of Local Government Elections in England*, Report and Recommendations, The Electoral Commission, (2003), p.20.

<sup>21</sup> Rallings, C and Thrasher, M, *Electoral Cycles in English Local Government*, LGC Elections, (2003), p.3.

<sup>22</sup> *Electoral Cycles, General Public Quantitative Research*, The Electoral Commission, (April – May 2003), p.9.

<sup>23</sup> *Ibid* p10.

<sup>24</sup> *Cycle of Local Government Elections*, the Electoral Commission, Executive Summary, (2004), p.2.

8.11 In order to guarantee an equitable system of electoral arrangements in areas which hold partial elections, it would be necessary to elect a uniform number of Councillors within each of the Borough's wards. A whole council election system would require no change to the Council's current electoral arrangements,<sup>25</sup> and so may be more desirable.

#### 8.12 Political Influence

A further contention supporting the implementation of whole council elections is that the system would provide the electorate with a greater opportunity to influence the political party in power. The Electoral Commission has stated that: "[w]hole council elections...ensure that all eligible electors in the authority have the opportunity to influence the political composition and control of the authority at the same time."<sup>26</sup> If the electorate perceive themselves as being able to influence which party is in power during an electoral term, it is predictable that a larger turnout will be recorded. If, however, it is felt that votes hold little political consequence, it is probable that local people will not value the importance of a local election and so will not be as willing to participate. Holding whole council elections also prevents the political control of the Council shifting without the whole electorate having had an opportunity to vote immediately prior to the change.

8.13 Partial elections, however, provide less opportunity for unexpected, possibly disruptive and politically exaggerated amendments to the make-up of councils and their policies and so should reflect more sensitively the changing views of the electorate.

8.14 Conversely, some suggest that partial elections encourage difficult or politically sensitive decisions to be put off, unlike whole council elections which provide three years of stability encouraging more complex decisions to be made.

#### 8.15 Political Accountability

Finally, it is strongly maintained that partial elections provide greater accountability as a result of the requirement for Councillors to engage with voters, promote their policies and defend their decisions on a more frequent basis. It is contended that the more frequent the opportunity to vote the more democratic the electoral process is. The LGC *Elections Centre – Electoral Cycles in English Local Government* supports these suggestions by stating that "...increasing the frequency when some fraction of the local council membership is held to account helps to strengthen democratic accountability<sup>27</sup>."

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<sup>25</sup> *Ibid.*

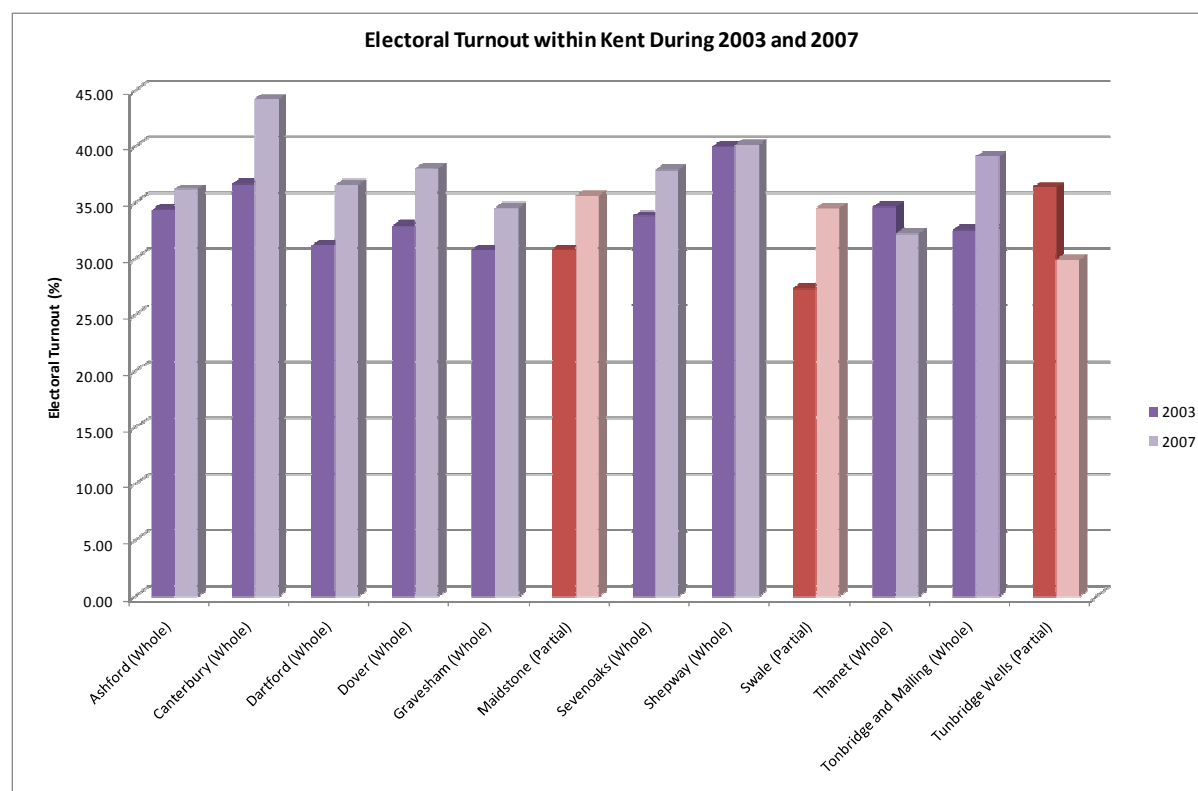
<sup>26</sup> *Ibid*, Page 18.

<sup>27</sup>Rallings, C and Thrasher, M, *Electoral Cycles in English Local Government*, LGC Elections, (2003) p.1.

## 8.16 Electoral Turnout within Kent

Authority	2007	2006	2005	2004	2003	Average (2003 - 2007)
Ashford (Whole)	36.18				34.39	35.29
Canterbury (Whole)	44.20				36.70	40.45
Dartford (Whole)	36.63				31.25	33.94
Dover (Whole)	38.02				32.92	35.47
Gravesham (Whole)	34.56				30.78	32.67
Maidstone (Partial)	35.58	37.30		39.33	30.80	35.75
Sevenoaks (Whole)	37.90				33.80	35.85
Shepway (Whole)	40.17				40.00	40.09
Swale (Partial)	34.53	35.00		37.10	27.32	33.49
Thanet (Whole)	32.24				34.65	33.45
Tonbridge and Malling (Whole)	39.08				32.55	35.82
Tunbridge Wells (Partial)	29.90	39.77		36.73	36.34	33.12

8.17 The above table gives the election results off all Kent authorities within 2003 and 2007. The Canterbury and Shepway boroughs, which elect by whole council elections, have the highest average of electoral turnout during this time period. However the election results within those authorities which use this election method are wide ranging and a number of those also recorded particularly poor elections results. Gravesham District Council has the lowest average turnout and also elects by whole council elections.





8.18 The figure above presents the electoral turnout for all District Councils within Kent. Those coloured in shades of purple elect by whole council elections and those shaded in pink hold partial council elections. Between 2003 and 2007 all districts recorded a rise in electoral turnout, other than Thanet, which elects by whole elections, and Tunbridge Wells which elects by thirds.

## 9. Implications for Politicians

- 9.1 Arguably council elections should be run in the manner which best encourages electorate participation as opposed to the method which is most advantageous to politicians. This is supported by a Member who has suggested:

"It should be the job of the council to set the terms of election that best suit the residents of the borough. It is not for the council to consider the effect this will have on individual Councillors no matter what their party affiliation or indeed lack of. The nature of democracy and campaigning will determine the makeup of the council chamber – not the terms of the election."<sup>28</sup>

- 9.2 Nevertheless, benefits experienced by candidates and political parties will most likely benefit the electorate. The Elections Process Review Survey carried out by the scrutiny team, in which local Councillors were asked to provide their opinion as to whether or not a move to whole council elections is desirable, identified that 70.5% of those who responded were against moving to whole council elections. The most common reason given was the belief that less frequent elections would diminish democratic accountability<sup>29</sup>.

### 9.3 Consistency of Governance

Whole council elections provide political parties with a greater opportunity to organise campaigns, consult with the public and should allow for the production of a more detailed manifesto prior to an election. The political party then has a four year period to fulfil its manifesto promises. This provides the electorate with a greater amount of time to judge the party on its policies and performance, in particular the setting of council tax<sup>30</sup>.

- 9.4 However, partial elections ensure that, particularly in multi-member wards, first time Councillors are able to consult with their more experienced colleagues. This will ensure more efficient Councillor teams and newly elected Councillors should be able to build capacity over time<sup>31</sup>. In contrast, whole council elections may result in a lack of Councillor expertise at the outset of a new political term in addition to a complete reversal of policies between alternating administrations. The Head of Internal Audit and Risk Strategy, Mr Brian Parsons, who manages the internal audit partnership with Ashford Borough Council, identified that:

"At the last ABC election (2007), 16 of the 43 members were new. At the 2003 election, there had been 21 new members.

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<sup>28</sup> Review of the Election Process Survey, Overview and Scrutiny, 2009.

<sup>29</sup> *Ibid.*

<sup>30</sup> *The cycle of Local Government Elections in England*, Report and Recommendations, The Electoral Commission, (2003), p.18.

<sup>31</sup> *Ibid.*

This meant that significant training had to be carried out for Councillors after each election, particularly with regard to planning, although this had never led to a situation where the municipal year could not start as planned.<sup>32</sup>

#### 9.5 Mobilisation of Politicians and Political Activists

All out elections would demand a larger number of candidates to stand for election in order to ensure that all of the 55 seats within the Borough were contested. During the 2007 partial elections, two seats, for the first time in Maidstone, were uncontested. There are reasonable grounds to suggest that the election of uncontested candidates undermines the democratic legitimacy of either voting system. Arguably this problem will be intensified if whole council elections are put into operation within the Borough.

- 9.6 Whole council elections are less time consuming for political activists who, like the electorate, may suffer from fatigue as a result of the frequency of partial elections. All-out elections require political parties and activists to mobilise their supporters only once every four years. This should ensure that potential and existing candidates do not lose interest. Conversely, whole council elections require the organisation of enough supporters to canvass the entire Borough. A Member has also identified that whole council elections are disadvantageous to smaller political parties. It was stated that:

“This at a stroke makes it very difficult for the smaller parties to operate and collectively organise. Those parties with well oiled and financially supported machines will be able to buy in organisational assistance.”<sup>33</sup>

Additionally, a Local Councillor is of the opinion that;

“I am convinced that the Party ‘machines’ get very rusty if not exercised annually and the quality of campaigning and informing the public of the ‘products’ on offer suffers considerably. It breeds complacency in Members and in Parties which is bad for democracy.”<sup>34</sup>

- 9.7 Partial elections enable the Councillor’s workload to be spread more evenly over the four year period, as opposed to whole council elections which can result in a substantial increase in work during the election year.

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<sup>32</sup> Minutes of the Meeting of the Corporate Services Overview and Scrutiny Committee, Whole Council Elections, Meeting with Officers, Wednesday 21 January 2009.

<sup>33</sup> Review of the Election Process Survey, Overview and Scrutiny 2009.

<sup>34</sup> Review of the Election Process Survey, Overview and Scrutiny, 2009.

#### 9.8 Cycle of Parish Council Elections

Modifications to the electoral cycle within the Borough may also require changes to the Parish Council elections. Currently it is usual for Parish elections to be held at the same time as ward elections, as Maidstone Borough Council covers the cost of parish elections held simultaneously to ward elections. Section 53 of the Local Government and Public Involvement in Health Act 2007 allows Councils to alter the years for ordinary elections for Parish Councillors. This is to enable an individual to vote for a District Councillor at the same time as voting for a Parish Councillor.

9.9 A resolution to move to whole council elections need not affect the Parish Council elections unless the Council decides to make an order so that Parish Council elections coincide with District Council elections. This is a power that the Council may or may not exercise and is not an obligation,<sup>35</sup> however it would be more cost effective for the Parish Councils to hold elections at the same time as the District Council elections.

9.10 Appendix A details the time table of Parish elections based upon the current election system.

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<sup>35</sup> Refer to Electoral Commission, Guidance on Community Governance Reviews, April 2008, section 148.

## 10. Implications for the Council and Officers

### 10.1 Political Consistency

The cycle or frequency of elections will influence the capacity of local authorities to manage efficiently and deliver their responsibilities. Those who argue in favour of whole council elections “emphasised the importance of consistency of policies and representatives through a defined period of office, without the interruption and diversion of intervening elections<sup>36</sup>.” Whole council elections ensure the Council has a clear mandate to work from. One Member is of the opinion that;

“The greatest advantage will be the opportunity for the administration to actually get down and do something significant and see it through. Far too often the administrations (on both sides) are looking over their shoulders at the next election and going for a quick fix, and, even worse, are not able (or prepared) to tackle a problem in other than a short term way.”<sup>37</sup>

10.2 Additionally, Mr Parsons has identified that “[t]he continuity of a four year term [within Ashford Borough Council] gave the opportunity to plan longer-term. For example, in Maidstone the Strategic Plan was overhauled each year but in Ashford it stayed in place for four years at a time with periodic reviews to ensure it remained appropriate.”<sup>38</sup>

10.3 Supporters of elections by thirds suggest that stability is more suitably provided by an election method that allows gradual political change as opposed to a sudden shift in political power<sup>39</sup>. However, the Electoral Commission has confirmed that it favours the political stability which accompanies whole council elections. The Commission identifies that authorities who elect by thirds have traditionally had single-party political control which some perceive as being a sign of stability. Nevertheless, it disagrees with this contention by suggesting that this is merely “a legacy of political stability rather than any inherent structural stability,” and so has no reflection upon the electoral system used within the borough.

10.4 Furthermore, whole council elections provide officers with greater opportunity to establish a robust relationship with Councillors over the four year term. This should benefit the functioning of the Council unlike

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<sup>36</sup> *The cycle of Local Government Elections in England*, Report and Recommendations, The Electoral Commission, (2003), p.20.

<sup>37</sup> Review of the Electoral Process, Overview and Scrutiny 2009.

<sup>38</sup> Minutes of the Meeting of the Corporate Services Overview and Scrutiny Committee, Whole Council Elections, Meeting with Officers, Wednesday 21 January 2009.

<sup>39</sup> *The cycle of Local Government Elections in England*, Report and Recommendations, The Electoral Commission, (2003), p.20.

the frequent shift of personalities which accompanies partial council elections.

#### 10.5 Administrative Issues

Whole council elections may enable a financial saving in relation to the employment of administrative staff<sup>40</sup>. Shepway District Council, which elects quarterly, has identified that if elections were to take place annually, there would be no scope to review practices and undertake training. The Chief Executive of the Association of Electoral Administrators has advised that a change of the frequency of local elections, however, is unlikely to have a dramatic effect upon the required support from the administrative service.

10.6 If whole council elections were to be implemented within Maidstone, staff would be involved in the administration of an election every other year (this includes county elections). The registration services team within the Council is currently small. Having limited knowledgeable staff may cause problems during the restricted election period which accompanies whole council elections.

10.7 Whole council elections require less time throughout the four year term being allocated to the 'pre-election period'. This is a six week period corresponding with the election campaign, during which politically sensitive announcements cannot or should not be made. The aim is to prevent sitting parties from making attractive policy declarations and decisions which could unduly influence voters in the run up to an election. During this pre- election period, business of the council ceases. Whole council elections require this process to occur only once in the four year term, rather than the two or three times that would be necessary in the case of partial elections. Whole elections therefore, are affected by a shorter time period in which the council are not fully functional.

10.8 However, The Director of Prosperity and Regeneration, Mrs Alison Broom, who has worked for Maidstone Borough Council and the London Boroughs of Camden and Merton, both of which were unitaries with whole council elections, recognised that;

"[i]n her experience, work increased in the run-up to a whole council election. Although decisions could not be made, the number of councillors canvassing right across the Borough led to a significant amount of enquiries from members of the

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<sup>40</sup> Councillor Bliss of Shepway District Council indicated that the number of offices engaged full time in elections has not exceeded more than two for many years.

public. Whilst this did happen at MBC, it was on a smaller scale as only one third of the councillors were up for election."<sup>41</sup>

#### 10.9 Financial Considerations

The electoral method used within the Borough will inevitably have cost implications. Moving to whole council elections should enable a number of financial savings over the four year period. The hiring of polling stations will not need to occur on such a frequent basis and fewer polling cards will be printed. The total expenses incurred during the most recent local elections within the Maidstone Borough were recorded as £147,845.34. Nevertheless the savings which result from the use of a whole Council election system are not as high as may first be expected. In 2003 it was established that to hold whole Council elections every four years would result in a total saving of £50,000, giving an annual saving of £12,500<sup>42</sup>.

10.10 Whole Council elections cost considerably more than each single election of a partially elected borough and expenditure continues to be incurred during those years which are not subject to an election, for example as a result of storage costs. Counting methods required during whole council election are also significantly more complicated and costly. The Council is likely to experience further costs as a result of an increased number of by-elections during the whole election period compared to those which occur currently.

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<sup>41</sup> Minutes of the Meeting of the Corporate Services Overview and Scrutiny Committee, Whole Council Elections, Meeting with Officers, Wednesday 21 January 2009.

<sup>42</sup> As stated by the Leader of the Council at the meeting of Maidstone Borough Council, 27 March 2003.

## 11. Single Member Wards

11.1 Section 55 of the Local Government and Public Involvement in Health Act 2007 states that a local authority can only make a request to the Boundary Commission to carry out a review for single-member wards if it is already subject to a scheme for whole Council elections. There is however, no requirement to make the request and it should not affect a decision to move to whole Council elections. Nevertheless if the Council is considering this option it is sensible to assess the possibility at the same time as the assessment of whole council elections, so as to enable changes to be made together in 2011, if considered desirable. 64% of Maidstone's Councillors who gave their opinion on single-member wards identified that there were both advantages and disadvantages for ward residents having only one political representative<sup>43</sup>. If alterations are made to the current ratio of ward members to Councillors, it needs to be ensured that these amendments provide closer contact between the residents and elected member, not less.

11.2 The key criticism of single-member wards is that candidates may appeal only to a restricted number of local people, which may discourage some from voting. The Councillors Commission report identified that "Councillors are significantly unrepresentative of the population as a whole in a descriptive sense<sup>44</sup>." The report continues by suggesting that multi-member wards encourage political parties to maximise their appeal to the electorate by providing a more varied range of candidates, which provides those from under represented groups with a greater possibility of being selected than would be the case in single-member wards. Recommendation 19 of the report states that:

"In view of the potential positive impact that multi-member wards can have in terms of encouraging the election of under represented groups and encouraging teamwork and the sharing of responsibilities between councillors, multi-member wards should be adopted throughout the local government electoral system<sup>45</sup>."

11.3 A number of Local Councillors have identified that multi-member wards also serve a practical role by ensuring that, should one ward Councillor suffer from illness, for example, the ward residents continue to have access to an elected representative. Additionally, it is arguable that multi-member wards are particularly beneficial for those areas who are represented by the Leader or a Cabinet Member. These Councillors will

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<sup>43</sup> Review of the Elections Process Survey, Overview and Scrutiny, 2009.

<sup>44</sup> Representing the Future, Report of the Councillors Commission, (2007), p.13.

<sup>45</sup> *Ibid* p.85.



be subjected to particular responsibilities which accompany the position and so may find it more difficult to allocate sufficient time to the concerns of local residents.

- 11.4 Multi-member wards can have a positive impact in encouraging the election of under represented groups and encouraging teamwork and sharing responsibilities between Councillors. Nevertheless The Electoral Commission is of the opinion that local people can more easily relate to a single Councillor due to greater clarity of leadership, making a single ward Councillor more appropriate.
- 11.5 A number of Maidstone Borough Councillors are of the opinion that single-member wards provide unity between several communities, encouraging community engagement and enabling social events to be shared. For example, a member has stated that “[m]y ward happens to be a very homogeneous community. We share many activities...”<sup>46</sup> It has also been raised that multi-members may not deliver the most appropriate representation in rural areas which are often defined by one Parish Council in addition to comparable desires of local residents.
- 11.6 Finally, single-member wards may alleviate the problem of low turnout which the Elections Centre associates with large wards<sup>47</sup> and as has been previously indicated, may help to clarify the electoral system, thereby encouraging more local residents to vote.
- 11.7 Evidently a move to single-member wards would require major planning and Boundary Commission consent. A Member identifies:

“The notion of single Member Wards is one which I have always advocated BUT I do not think that we would be allowed to proceed without the express permission of the Electoral Boundary Commission. Ward Boundaries are set in place by the Commission to a very precise formula of Members to Electorate in ratio and this then relates to the Electoral Divisions of the County Council which have a different ratio and so on up to the Parliamentary representation in the Constituency.”

- 1.8 Additionally, significant officer time and considerable funding will be required to implement this change. If this move is considered desirable, a request to the Boundary Commission should be made to carry out a review of the possibility of single-member wards within the Borough.

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<sup>46</sup> Review of the Election Process, Overview and Scrutiny, 2009.

<sup>47</sup> Rallings, C and Thrasher, LGC Elections Centre, *Electoral Cycles in English local Government*, (2003), p.17.

## 12. Consultation

12.1 The Council must not pass a resolution to move to whole Council elections unless it has taken reasonable steps to consult on the implications that will result from these changes. Currently no guidance exists as to the extent the Council is expected to consult with regard to changing the election frequency. The Council's Consultation Handbook should be referred to<sup>48</sup>. Additionally the Code of Practice of Consultation<sup>49</sup> should be followed. This advises that the written consultation period should be 12 weeks. The five additional guidelines of the consultation process are as follows:

- Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
- Ensure that your consultation is clear, concise and widely accessible.
- Give feedback regarding the responses received and how the consultation process influenced the policy.
- Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
- Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate<sup>50</sup>.

12.2 Following consultation a Council can make a decision by a resolution passed by a majority of at least two thirds of members voting at a specifically convened (an extraordinary) meeting of which notice has been given. The resolution can only be passed during the permitted resolution period. For whole Council elections to be implemented by 2011 within the Maidstone Borough, a resolution must be sought by 31<sup>st</sup> December 2010.

### 12.3 Consultation Methods

Swale Borough Council has suggested that consultation takes places with the use of a website questionnaire, local media coverage, letters to Parish clerks, political groups, key stakeholders, an email questionnaire to the citizens panel, posters in libraries, Council offices and Parish notice boards.

12.4 Having met with the Corporate Marketing Manager a number of possible consultation mechanisms were discussed, and an approximate budget of

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<sup>48</sup> Maidstone Borough Council, *Consultation Handbook*, (2002) – this handbook is currently under revision.

<sup>49</sup> Code of Practice on Consultation, Cabinet Office, (2004)

<sup>50</sup> *Ibid* p.4.

£6,000 - £10,000 was recommended<sup>51</sup>. It should be ensured that those participating are provided with an adequate understanding of the two election mechanisms in order to provide valuable responses.

- 12.5 The Council should consult as seen appropriate. Possibilities include a focus group representing the “general public”; publicising the possible amendments on the internet and allowing for feedback; or consulting directly with Parish Councils. Council employees should be informed and given the opportunity to provide feedback via Wakey Wakey and a Citizen’s Jury could be established to enable informed members of the public to participate in a debate and vote as to their preferred election method. The consultation process would benefit from the employment of an outside agency.

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<sup>51</sup> This is an approximation and should be clarified if detailed planning of consultation proposals takes place.

### **13. Conclusion**

- 13.1 It is apparent that there are numerous arguments for and against both election cycles. Evaluation suggests that neither of the two is acutely more advantageous than the other.
- 13.2 Arguably, to ensure consistent and equitable elections within Kent, Maidstone Borough Council should implement whole Council elections. This argument will be intensified if Swale Borough Council continues with the decision to move to whole Council elections following consultation.
- 13.3 Although the Electoral Commission recommends the implementation of whole Council elections it does recognise that the method used should be that which is most appropriate for the local area. The election method employed should be that which will best encourage voter participation. Nevertheless, analysis identified that it is problematical to determine whether all out elections will achieve an increase in voter turnout. Data of electoral turnout within Kent shows no substantial difference between those authorities that elect with whole Council elections and those that utilise partial Council elections. Although the districts that recorded the highest voter turnout within Kent elected by whole Council elections, the lowest recorded turnout was also recorded by a district which utilised all out elections.
- 13.4 Whole Council elections will be accompanied by financial savings, yet these are relatively slight and may be off-balanced by the identified disadvantages of whole Council elections.
- 13.5 As the Councillors Commission identifies, various other improvements could be made to the election mechanism in order to increase voter participation. It may therefore be more appropriate to implement these methods as opposed to exchanging one election method with another.

## 14. Evidence Log

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### Witness Sessions

1 July 2008, Interview with:  
The Democratic Services Manager, Neil Harris

9 October 2009, Interviews with:  
Phillippa Saray, Regional Manager South of England, Electoral Commission

21 January 2009, Interviews with:  
Councillor Richard Ash, Cabinet Member for Corporate Services; Alison Broom, Director of Operations; Steve Goulette, Assistant Director of Regulatory and Environmental Services; Brian Parsons, Head of Internal Audit and Risk Strategy; Angela Woodhouse, Overview and Scrutiny Partnership Manager.

## Written Evidence

Review of Election Process Survey - Written Councillor responses as to the appropriateness of moving to whole council elections and implementing single member wards.

## APPENDIX A

### Timetable for Elections Based upon the Current Electoral System

NAME OF WARD	PARISHES SITUATED IN WARD	YEAR OF ELECTION
HEADCORN	East Sutton	2010
BEARSTED	Bearsted	2011
DETLING AND THURNHAM	Detling, Thurnham	
DOWNSWOOD AND OTHAM	Downswood, Otham	
HARRIETSHAM AND LENHAM	Harrietsham, Lenham (North Ward), Lenham (South Ward)	
LEEDS	Broomfield and Kingswood, Leeds	
LOOSE	Loose	
MARDEN AND YALDING	Nettlestead, Yalding, Collier Street, Marden	
SOUTH	Tovil	
STAPLEHURST	Staplehurst	
SUTTON VALENCE AND LANGLEY	Sutton Valence, Langley	
BARMING	Barming, Teston	2012
BOUGHTON MONCHELSEA AND CHART SUTTON	Boughton Monchelsea South, Boughton Monchelsea North, Chart Sutton	
BOXLEY	Boxley North, Boxley South, Boxley South East, Boxley Woodlands, Bredhurst	
COXHEATH AND HUNTON	Coxheath, East Farleigh, West Farleigh, Hunton, Linton	
HEADCORN	Boughton Malherbe, Headcorn, Ulcombe, East Sutton	
MARDEN AND YALDING	Marden	
NORTH DOWNS	Bicknor*, Frinsted*, Hucking*, Otterden*, Wichling*, Wormshill*, Hollingbourne, Stockbury	
KENT COUNTY COUNCIL ELECTIONS		2009
EUROPEAN	PARLIAMENTARY	2009

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ELECTIONS

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35 Parish Councils

6 Parish Meetings

\* indicates Parish Meeting