

Whole Council Elections – Consultation Stage Approval

Final Decision-Maker	Council
Lead Head of Service	Angela Woodhouse, Head of Policy, Communications and Governance
Lead Officer and Report Author	Ryan O’Connell, Democratic and Electoral Services Manager
Classification	Public
Wards affected	All

Executive Summary

Following the agreement for the LGBCE to carry out a Boundary Review this report sets out the considerations for moving to Whole Council Elections including the impacts of a boundary review depending on electoral cycle, and detail of the possible consultations to be carried out in the event the Committee agree to proceed to consultation to inform any Council decision.

Purpose of Report

Decision

This report makes the following recommendations to this Committee:

1. To note the impact a boundary review will have on numbers of Members and Wards dependent on electoral cycle;
2. To decide whether the Whole Council Elections process moves onto the consultation stage;
3. That if consultation is approved, the medium consultation option be undertaken as set out in Appendix 2 as the best balance of cost, accuracy and weight of response; and
4. That the outcomes be reported back to Democracy and General Purposes in June 2021 for a recommendation to be made to Council in July 2021.

Timetable

Meeting	Date
Democracy and General Purposes Committee	Tbc June 2021
Council	Tbc July 2021

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1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	Ensuring the Council has appropriate forms of Governance, including how Members are elected and the Council is formed, is crucial to the proper functioning of the Council and therefore contributes indirectly to all Council objectives.	Democratic and Electoral Services Manager
Cross Cutting Objectives	Ensuring the Council has appropriate forms of Governance, including how Members are elected and the Council is formed, is crucial to the proper functioning of the Council and therefore contributes indirectly to all Council objectives.	Democratic and Electoral Services Manager
Risk Management	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. We are satisfied that the risks associated are within the Council’s risk appetite and will be managed as per the Policy.	Democratic and Electoral Services Manager
Financial	<ul style="list-style-type: none"> • The options in the report include consideration of the financial impact of switching to Whole Council Elections. It is for the Committee to weigh those up against the non-financial considerations. • The proposals also consider costed options for consultation. This is one off expenditure and will therefore be treated as an invest to save proposal due to the potential reduction in election costs. However, if the proposal is not progressed the one off costs would be written off against the contingency budget. 	Section 151 Officer & Finance Team
Staffing	We will deliver the recommendations with our current staffing.	Democratic and Electoral Services Manager

Legal	<ul style="list-style-type: none"> The legislation governing the move to Whole Council Elections is the Local Government and Public Involvement in Health Act 2007 as amended by the Localism Act 2011. The Acts give Councils the power to decide whether to move to whole council elections, elections by halves or elections by thirds. The legislation to move to whole council elections includes certain actions that must be taken during the process. One requirement is to have carried out a consultation on the proposal. The format of that consultation is a consideration of this report. 	Team Leader (Corporate Governance), MKLS
Privacy and Data Protection	Any consultation agreed by the Committee will be carried out using the Council's corporate policies for consultations and will meet data protection requirements.	Policy and Information Team
Equalities	The chosen consultation will be carried out using the Council's corporate policies for consultations and this will include consideration of equalities.	Policy & Information Manager
Public Health	No impacts.	Democratic and Electoral Services Manager
Crime and Disorder	No impacts.	Democratic and Electoral Services Manager
Procurement	The consultation will be carried out in house.	Democratic and Electoral Services Manager

2. INTRODUCTION AND BACKGROUND

- 2.1 At its meeting on 11 November 2020 Democracy and General Purposes considered the matter of the Local Government Boundary Commission for England (LGBCE) carrying out a boundary review of Maidstone Borough. The committee agreed to request a review and to consider two matters that could impact on the outcome of that review, namely Whole Council

Elections and the Council's governance arrangements. This report sets out consideration of Whole Council Elections.

- 2.2 In November 2019 Democracy and General Purposes considered taking Whole Council Elections out to consultation and it was agreed not to pursue it further due to it being unlikely to achieve the necessary two-thirds majority to get agreement at Council. However, the impending boundary review presents a significant change to considerations for that decision. If elections by thirds (the current system) is maintained it will mean that ward boundaries and ward memberships will have to change to meet the Boundary Commissions aims of uniform three Member wards across the Borough.
 - 2.3 Whereas if a change is agreed to move to Whole Council elections a wider variety of options for ward memberships is available as uniform three Member wards will no longer be an aim of the review. It should be noted that even in elections by thirds, where exceptional circumstances can be demonstrated, some wards might not become three Member wards.
 - 2.4 This report includes the Member consultation outcomes following Democracy and General Purposes on 3 July 2019 where the Committee agreed to proceed with the work on Whole Council Elections and to carry out consultation with Members on boundary issues. This consultation was carried out via a workshop and a survey and questions on Whole Council Elections were included to help inform the overall review.
 - 2.5 The Committee previously agreed the factors to be included in considering Whole Council Elections. These have been included in the analysis in Appendix 1.
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3. AVAILABLE OPTIONS

- 3.1 To agree to proceed to the consultation stage of Whole Council Elections and select one of the possible consultation options in Appendix 2, the medium option is recommended. The Committee will need to consider the form of the consultation and any amendments they may wish to make to the wording to ensure that it is balanced and clear about the options the public are being asked to express an opinion on.
 - 3.2 On the basis of the information presented in this report, the Committee could decide not to proceed to the consultation stage. This would need to be made on a balance of the reasons for and against moving to Whole Council Elections.
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4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 This report does not make a recommendation on which option is preferred as any decision on Whole Council Elections will require the Committee to balance the factors, including political considerations, and conclude on how much weight to give to each of these factors.

- 4.2 Should the Committee decide to proceed to consultation stage it is recommended to go with the medium option.
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5. RISK

- 5.1 The decision on whether to move to Whole Council Elections needs to weigh up the pros and cons of changing the electoral cycle. Some of the risks are political in nature and are not considered here.
- 5.2 Any change inherently carries risks. From an administrative viewpoint the primary risk is the capacity of the electoral services team to support the increased size of a Whole Council Election. However, this risk is considered to be low given that the team already currently administer larger elections, for example a General Election.
- 5.3 In considering the impacts of this decision it is important to consider that there will be a ward boundary review conducted over the next few years and any change (or not) to our election cycle will have knock on impacts for that review (which will consider its own risks).
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6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 Whole Council Elections have been considered on several previous occasions:
- 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 September 2010. A motion to change the electoral cycle to all out elections was put to full Council in November 2010. This motion was lost.
 - On 17 September 2014 – A motion was put to full Council to change to a four yearly cycle for 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.
 - In November 2019 – this committee decided not to proceed to consultation on Whole Council Elections
- 6.2 A Member workshop was held at the end of July 2019 and a Member consultation was carried out in August 2019. The results of these have been factored into this report and will be considered through the decision making process.
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7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 If the Committee agree to move to consultation stage the consultation will be prepared and conducted.

- 7.2 The consultation will then be carried out and the results reported to Democracy and General Purposes Committee for a final decision on whether to put the issue to an extraordinary meeting of Council in February 2020.
- 7.3 If the Committee do not wish to proceed to consultation then no further action will be taken and elections by thirds will be factor into the LGBCE boundary review.
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8. REPORT APPENDICES

- Appendix 1: Whole Council Elections - Analysis
 - Appendix 2: Whole Council Elections – Consultation Options
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9. BACKGROUND PAPERS

None.