

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

This report meets the requirements of the motion agreed by Council on 22 May 2021. It 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 stage to inform any Council decision.

Purpose of Report

Decision

This report makes the following recommendations to this Committee:

1. To decide whether the Whole Council Elections process moves onto the consultation stage as required in order for the Council to adopt Whole Council Elections;
2. 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
3. That the outcomes be reported back to Democracy and General Purposes in September 2021 for a recommendation to be made to Council in September 2021.

Timetable

Meeting	Date
Democracy and General Purposes Committee	30 June 2021
Democracy and General Purposes Committee	8 September 2021
Extraordinary Council	29 September 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	<p>The options in the report include consideration of the financial impact of switching to Whole Council Elections (Appendix 1). It is for the Committee to weigh those up against the non-financial considerations.</p> <p>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.</p>	Section 151 Officer & Finance Team
Staffing	We will deliver the recommendations with our current staffing.	Democratic and Electoral Services Manager

<p>Legal</p>	<p>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.</p> <p>One requirement is to have carried out a consultation on the proposal. The format of that consultation is a consideration of this report.</p> <p>The Local Government and Public Involvement in Health Act 2007 does not stipulate how the Council must consult on changes to its electoral cycle. Section 33 of the Act provides that 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. No minimum or maximum timescale for consultation is prescribed. However, the Council is obliged to act reasonably when discharging its functions.</p> <p>The options outlined in Appendix 2 are in accordance with the requirements of the Act.</p>	<p>Head of Mid Kent Legal Partnership</p>
<p>Privacy and Data Protection</p>	<p>Any consultation agreed by the Committee will be carried out using the Council’s corporate policies for consultations and will meet data protection requirements.</p>	<p>Policy and Information Team</p>
<p>Equalities</p>	<p>The chosen consultation will be carried out using the Council’s corporate policies for consultations and this will include consideration of equalities.</p>	<p>Policy & Information Manager</p>
<p>Public Health</p>	<p>No impacts.</p>	<p>Democratic and Electoral Services Manager</p>

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 updates the considerations of Whole Council Elections.
- 2.2 In January 2021 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. The Committee considered the impacts of the boundary review in that decision, however, subsequent meetings with the boundary review demonstrating those impacts led to a motion being presented at Council on 22 May 2021 requiring a report be brought to Democracy and General Purposes to reconsider the matter.
- 2.3 If elections by thirds (the current system) is maintained, it will mean that ward boundaries and ward memberships will have to change. This will be required to meet the Boundary Commission's aim of uniform three Member wards across the Borough and the Council size will need to be a factor of three.
- 2.4 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.
- 2.5 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.
- 2.6 The Committee previously agreed the factors to be included in considering Whole Council Elections. These have been included in the analysis in Appendix 1.

- 2.7 Since the Committee considered this matter at its meeting in January 2021, additional information has come forward as the Secretary of State for the Ministry of Housing, Communities and Local Government gave a statement, on 10 June 2021, to the House of Commons on the arrangements at Liverpool City Council. The statement includes reference to Whole Council elections as set out below:

"My decision to make an Order providing for Liverpool City Council to have whole council elections reflects not only the recommendations in the Best Value Inspection Report but also our past experience of the merits of whole council elections. The absence of such elections is often a consistent feature of under-performing councils and a common thread through many council interventions. I of course recognise that there are many excellent councillors up and down the country performing their duties effectively with elections by thirds or other patterns. But holding elections three years out of four, or every other year, risks creating a culture of perpetual electioneering in a council where there is little focus on the strategic, an inability to address longer term challenges and leadership which can lack the stability needed for a high performing authority.

In contrast, holding whole council elections every fourth year can facilitate stable, strategic local leadership, delivering a clear programme for which it can be held to account by the electorate, and having the time to tackle some of the longer term issues its communities might face. Whole council elections can thus add a higher degree of accountability, and the stability they can bring can help effective partnership working and give greater confidence to the business community in their dealings with the council. Whole council elections are also more cost effective than holding elections say three years out of four, and hence I am clear they represent better value for money for local taxpayers.

Accordingly, for all these reasons I would like to take this opportunity strongly to urge all those councils still not holding whole council elections to consider using the powers which Parliament has given them to switch to such elections. I believe this could lead to councils providing stronger, more accountable local leadership better able to serve their communities, promote local economic growth, and drive forward the levelling up of opportunity and prosperity across the country. If councils which still elect by thirds or halves now take the opportunity to switch to whole council elections, this could significantly strengthen local government and its ability to serve local people. It is an opportunity I hope all other councils will take in due course."

- 2.8 It should be noted that there are currently no legislative changes proposed, arising from the Ministerial statement.

3. AVAILABLE OPTIONS

- 3.1 To agree to proceed to the consultation stage for 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.

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.

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 administer larger elections, for example a General Election for two constituencies, and in 2021 carried out combined PCC, KCC and MBC elections alongside parish by-elections and neighbourhood plan referendums.
- 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).

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
- In January 2021 – 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.

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 September 2021.
- 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 factored 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.