MAIDSTONE BOROUGH COUNCIL

COUNCIL

15 DECEMBER 2010

REPORT OF THE HEAD OF CHANGE AND SCRUTINY

Report prepared by Ryan O'Connell

1. WHOLE COUNCIL ELECTIONS

1.1 Issue for Decision

To consider whether to change the voting system to whole Council elections following public consultation.

1.2 Recommendation of the Head of Change and Scrutiny

1.2.1 That the Council, taking into account the results of the public consultation conducted in September 2010, resolves to either;

(a) Keep the current election arrangements of election by thirds; or

(b) Change to a system of whole Council elections in accordance with the Local Government and Public Involvement in Health Act 2007

1.2.2 That should the Council decide to adopt a system of whole Council elections the following issues be referred to the General Purposes Committee to make a recommendation to Council:

- Changing parish elections to coincide with the whole Council election in May 2011; and
- Requesting a single member ward review from the Local Government Boundary Commission for England.

1.3 Reasons for Recommendation

1.3.1 The Local Government and Public Involvement in Health Act 2007 introduced new provisions for Councils to change the voting system they have adopted for elections. The Act requires that should the Council wish to adopt whole Council elections it does so prior to 31 December 2010, or between May and December of every fourth year thereafter. In order to adopt whole Council elections the Act requires

that the Council do so with a two thirds majority of those voting. In addition should the Council change its election process it can require parish councils to change their election process so that all parish elections take place at the same time as the borough election.

1.3.2 In March 2008 the following motion was agreed by 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."

1.3.3 At its meeting in June 2009 the Council received a report from the Corporate Services Overview and Scrutiny Committee on whole Council elections and the benefits of that system as well as the benefits of retaining the existing system of elections by thirds (set out below in 1.3.14 for convenience). The report did not make a recommendation, leaving it to the Council to decide if it wished to go out to consultation on this change. The Council decided to proceed with public consultation on implementing whole Council elections for Maidstone. It also agreed that the General Purposes Group should consider the format of the consultation.

1.3.4 The General Purposes Group agreed that in principle the consultation should be with the whole electorate and should be carried out by an independent body. The group subsequently agreed the consultation be conducted using a supplement to the electoral registration form and would be undertaken by Electoral Reform Services, a company which is part of the Electoral Reform Society.

1.3.5 Consultations aim to ensure that consultees can express an informed opinion and provide a reflection of the consultees' views without providing bias one way or another. The consultation carried out through Electoral Reform Services has achieved this with no bias toward a yes or no vote and with information provided on the reverse of the form to allow an informed choice to be made (a copy of the form used is attached at Appendix A).

1.3.6 The results of the consultation have been received and analysed. The consultation achieved a high return rate and thousands of responses have been returned. As the consultation was carried out alongside the electoral registration process this led to some households responding with one vote per household, other households responding with one

vote per elector and others responding with all members of the household (whether registered electors or not).

1.3.7 In order to ensure that the results were as accurate as possible two approaches were taken to summarise the results of the consultation. These methods were actual "votes" cast in a household (one per elector with votes above the maximum number of electors in a household discounted) and weighted voting (where each household is counted as the number of electors registered at that property). The purpose of the second approach was to test the reliability of the consultation results. The outcome of the second method had a variance of 0.9% from the method which counted actual "votes", which is well within acceptable margins.

1.3.8 **Maidstone Actual Count:**

Consultation Papers received Blank & Spoilt Consultation Papers	22,259 -1065
Total valid Consultation Papers	21,194
Votes cast by post Votes cast by phone and internet	30,250 1690
Total number of votes cast:	**31,940**

Result:

Number voting YES	22,907	**71.7%**
Number voting NO	9033	**28.3%**
Total	31,940	100%

- *Note – votes cast is greater than consultation papers, due to multiple electors in a household (see 1.3.6)*

1.3.9 There were 116,736 electors as of 1 September 2010; the results of the consultation therefore reflect the view of a minimum of 27.4% of the electorate. Looking at the return as a consultation exercise it is important to note:

- Whilst all households were sent an electoral registration form with a cut off point for registration of 24 November 2010, the consultation only ran until the end of September 2010.

- In the consultation period 44,282 properties returned their electoral registration forms of those 22,259 returned a consultation form (50.3%).

1.3.10 The results of this consultation can be put into context by comparison with other authorities who have recently carried out similar consultations, using differing methods. Locally Swale conducted a similar consultation and 3 other examples are set out. The breakdown of those consultations is as follows:

Swale – Consultation has been undertaken via a questionnaire which has been available in paper copy and on the Council's website. There have also been a number of press releases and parish clerks, political parties, key stakeholders (including the Local Strategic Partnership and community groups) have been made aware of the consultation, and invited to respond. The questionnaire was also circulated to the citizens' panel and made available at libraries, meetings of the Local Engagement Forums and council offices. 311 responses - 52% in favour of whole council elections.

Purbeck - 1200 consulted directly (councillors, community groups etc.), public notices – 105 responses 2:1 in favour of whole council elections.

Barrow - An article appeared in the December 2008 edition of Focus newspaper which was distributed to all homes and business throughout the district.. A news item also appeared on the front page of the Council's website; and a letter was sent to all Parish Councils, the local MP and the Council's Key Stakeholders – 86 responses – 76% in favour of whole council elections.

Amber Valley – consulted via website, directly with interested parties, notices in council offices and town hall – 30 responses were received with the majority in favour of partial council elections.

1.3.11 Small samples such as those in these consultations are not necessarily representative. In contrast the Maidstone return of 31,940 replies is robust and represents the most returns on any consultation carried out by the Council. By comparison in order to be required to hold a referendum on our executive arrangements only 5% of the electorate (5,837) are required to request it.

1.3.12 In addition to this consultation, as part of the public Budget Consultation 2010 the suggestions made by the public and neighbourhood forums for savings included switching to whole Council elections.

1.3.13The table below sets out the election types in Kent for Members' information.

Authority
Ashford (Whole)
Canterbury (Whole)
Dartford (Whole)
Dover (Whole)
Gravesham (Whole)
Maidstone (Partial)
Sevenoaks (Whole)
Shepway (Whole)
Swale (Whole)
Thanet (Whole)
Tonbridge and Malling (Whole)
Tunbridge Wells (Partial)

1.3.14Other Considerations

The Overview and Scrutiny report 'Whole and Partial Council Elections Review' considered by Full Council in June 2009 considered the advantages and disadvantages of Whole and Partial Council elections in depth. A summary of those considerations follows:

Benefits for:	**Whole Council Elections**	**Partial Council Elections**
Electorate	Simplification of electoral process. Electoral equality (some residents currently elect Borough Councillors 3 out of every 4 years whilst others only get one opportunity every 4 years). Greater opportunity to influence the political make up of the Council.	Political make up of the Council should reflect more sensitively the changing views of the electorate where elections take place by thirds. Greater accountability as councillors are required to engage with the electorate and defend their decisions on a more regular basis.
Politicians	Greater opportunity to organise campaigns and develop detailed manifestos. Greater period of time for	Mix of new and experienced councillors, allowing for efficient councillor teams and capacity building.

	the ruling party to fulfil its manifesto promises. Only campaigning once every 4 years reduces chance of candidates and supporters losing interest in the campaigning process.	Less candidates need to be found to stand at elections, reducing the chance of seats being uncontested. Require less resources when campaigning as candidates and supporters do not have to cover the whole Borough – beneficial for smaller parties.
Council/officers	Political stability encouraging more complex decisions to be made, which might be put off where elections are held most years. Less time in total over the four years is dedicated to the election process, meaning less time during which the Council is not fully functional. Opportunity to plan longer-term. Greater opportunity to build up relationships between officers and Cabinet Members. <u>Financial savings (updated and outlined below).</u> More time for elections team between elections to carry out other tasks, e.g. democratic engagement.	Less opportunity for complete reversals of policy every 4 years. Electing by thirds results in less public enquiries to the Council during the election period and less disruption to Council work than during the election period for whole Council elections. Maintenance of knowledge within the elections team. By-elections are less likely to occur. Election count less complex, allowing it to take place on the night of the election and requiring less training of staff each time.

1.3.15 Financial Savings

Since the report considered in June 2009, extensive work has been done to calculate the potential savings achievable through switching to whole Council elections. Whilst it may initially seem that switching to whole Council elections would reduce the costs to a third of the current partial election system the actual situation is more complex. In essence there would be one large Borough election and potentially all parish council elections held at the same time, which would inevitably have a higher cost than any one of the partial elections currently held.

1.3.16 The cost breakdowns of holding elections by thirds and whole Council elections are set out in Appendix B. The result of this cost analysis is that, if the Council switched to whole Council elections, the net effect of the savings would be a minimum of £75k over the three year election period. A summary of the main factors taken into account for the calculation is given below.

1.3.17 The template used for the costs of a whole Council election is that of a General Election as both involve polling the whole electorate. Clearly, there are additional factors and differences between the two types but General Elections represent the closest fit. The costs have then been adjusted to take into account the differences. For example, when running a General Election work is carried out on behalf of Tunbridge Wells and Swale, these costs have been discounted. A variety of other factors also need to be considered, such as in multi-member wards it will be necessary to use more complicated counting sheets to determine the outcome of the voting. These cost more to produce and are more complex to use that the system currently employed. However, recounts are easier using these counting sheets. It should be noted that this additional cost would reduce if the Council had single member wards (discussed below).

1.3.18 The cost of the whole Council election has then been compared to the adjusted total cost (adjustments made for by-elections etc.) for 3 years of local elections.

1.3.19 Single Member Ward Review

Section 56 of the Local Democracy and Economic Development Construction Act 2009 places a duty on the Local Government Boundary Commission for England ('the Commission') to conduct a review of the area of each principal council and recommend whether a change should be made to the electoral arrangements for that area. The Act states that the Commission must do this 'from time to time'.

1.3.20 The only formal way in which an authority can make a request to the Commission for a review is under Section 57 of the 2009 Act. This allows Councils who have whole Council elections to request a review of its electoral arrangements and make recommendations for single member wards. If the commission refuse the request they have to set out reasons for the refusal. However, if the Council is operating whole Council elections a strong argument can reasonably be made that the most suitable form of arrangement is single member wards. It is therefore possible to make a case to the Commission that with the change to whole Council elections a change to the ward member set up is required.

1.3.21 Additional cost savings can be achieved through switching to single member wards. These would be in addition to those identified in this report as direct savings from changing to whole Council elections. Areas where savings would be achieved would be:

- Members' allowances and support costs (from an existing budget of £450k)
- Additional reduction in the cost of elections such as through less complicated ballot papers (an estimated saving of £12k per whole Council election).

1.3.23 A reduction in the overall number of Members was identified in the Budget Consultation 2010 as an area that the public would like to see savings made. The reduction would only be achievable through a switch to single member wards.

1.3.24 Should it be determined that the Council change to a system of whole Council elections a more in depth report would be produced on the issue of single member wards.

1.4 <u>Alternative Action and why not Recommended</u>

1.4.1 As the Local Government and Public Involvement in Health Act 2007 requires that a decision to change from partial to whole council elections is taken by 31 December 2010, and/or a decision taken every fourth year thereafter (in the period May-December) the Council needs to consider which option it would like to adopt. By not taking a decision prior to the December deadline the Council would effectively be deciding to retain the status quo. In addition not actively taking a decision could be perceived as undermining an extensive consultation process.

1.5 Impact on Corporate Objectives

1.5.1 Efficient and effective public services.

1.6 Risk Management

1.6.1 If a decision is not taken before the end of December 2010 it will be another four years before a decision can be taken. This risk is managed through this report.

1.6.2 Due weight must be given to public consultation. This is managed through fully considering the results of the consultation prior to taking a decision.

1.7 Other Implications

1.7.1

1.	Financial	X
2.	Staffing	X
3.	Legal	X
4.	Equality Impact Needs Assessment	
5.	Environmental/Sustainable Development	
6.	Community Safety	
7.	Human Rights Act	
8.	Procurement	
9.	Asset Management	

1.7.2 Financial

It is estimated that switching to whole Council elections would result in a minimum net saving of £75k over the three year election period. In addition it would open the opportunity of requesting a boundary review with a view to changing to single member wards that could deliver additional savings from the £450k Members' budgets and the £310k estimated whole Council election budget.

1.7.3 Staffing

Should the decision be taken to switch to whole Council elections there could be an impact on existing permanent staff arrangements and it would also have implications for the staffing required during the whole council election. The cost of the additional staffing required for a whole Council election has been taken into account in the cost breakdown at Appendix B.

1.7.4 Legal

If the Council decides to change to whole Council elections it will need to abide by the provisions of the Local Government and Public Involvement in Health Act 2007.

1.8 Conclusions

1.8.1 This report sets out the results of the public consultation on whole Council elections conducted in September 2010 and the factors for consideration in order for the Council to determine whether to change to a whole Council election voting system.

1.9 Relevant Documents

1.9.1 Appendices

Appendix A – Sample consultation form
Appendix B - Cost breakdown of elections

1.9.2 Background Documents

Local Government and Public Involvement in Health Act 2007

Local Democracy and Economic Development Construction Act 2009

Corporate Services Overview and Scrutiny Committee – Draft Whole and Partial Council Elections Review

Electoral Reform Services – Maidstone Election Consultation Letter dated 21 October 2010