

Proposed Consultation on the Council Election Cycle

Strategy & Resources Committee Thursday, 7 April 2022

Report of: Chief Executive

Purpose: For decision

Publication status: Unrestricted

Wards affected: ALL

Executive summary:

The Local Government Boundary Commission for England (LGBCE) will shortly be commencing a review into the Council's District Ward boundaries. Provisions within the Local Government and Public Involvement in Health Act 2007 and the Localism Act 2011 gives the Council power to decide on its election scheme. Currently, the Council elections are by thirds but it may resolve to move to whole Council elections. The boundary review provides an opportune time for consideration of this matter. This report explains the process that needs to be undertaken in considering whether to move to whole Council elections. It is recommended that a public consultation is undertaken.

This report supports the Council's priority of:

Building a better Council

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Recommendation to Committee:

That the Committee determine whether to commence a consultation process in accordance with the Local Government & Public Involvement in Health Act 2007 on whether the Council should change to whole Council elections every 4 years from 2024, or to retain the current scheme of elections by thirds.

Reason for recommendation:

The decision to change electoral cycles should not be taken in anticipation of the potential outcome of the Local Government Boundary Commission (LGBCE) review but rather it is a matter of policy for the Council to consider based on the respective merits of each electoral system. Consideration of the issue is timely given the forthcoming review as it will inform the warding patterns. It will also enable any decision to commence whole Council elections to coincide with the implementation of the LGBCE review outcomes in 2024. The first stage in the process is to commence a public consultation.

If the Committee are minded not to commence a public consultation on whole Council elections, the current elections scheme of electing by thirds would be retained.

Introduction and background

1. An electoral review is an examination of a council's electoral arrangements. The Council's electoral arrangements refer to the total number of Members to be elected to the Council; the number and boundaries of wards; the number of Members for each ward; and the name of any electoral area.
2. The Council meets the criteria for an electoral review as the last review was held in 1998 and the normal timeframe is on average every 15 years. Accordingly, the LGBCE has advised the Council that it will be carrying out an electoral review with a view to the changes being implemented in 2024.
3. It is important to highlight that in authorities like this Council that have elections by thirds, following changes to legislation, the LGBCE is required to start its electoral reviews with a presumption in favour of delivering a uniform pattern of 3 member wards. Any departure from such a pattern would need to be justified on a ward-by-ward basis, having regard to statutory criteria which are set out below.

Statutory Criteria

4. Schedule 2 of the Local Democracy, Economic Development & Construction Act 2009 sets out the statutory criteria which the LGBCE is required to have regard to in making its recommendations. The criteria recognise the need to:
 1. secure equality of representation;
 2. reflect the identities and interests of local communities; and
 3. secure effective and convenient local government.
5. Should the Council retain an electoral cycle of electing by thirds with the presumption of uniform three member wards being applied, then one potential concern may be that in order to retain electoral equality between wards this could result in very large geographical rural wards where the Members may not be evenly distributed and accessible to their constituents.

6. It could be argued that the resultant large rural wards would not meet the second and third statutory criterion. However, such arguments may not be sufficiently strong to rebut the presumption of uniform Member wards. Whilst the Commission has on occasion moved away from the presumption of uniform Member wards, it has stressed that generally there should be pattern of uniform three Member wards with only a small handful of single or two Member wards. It has also explained that any arguments would need to be made and substantiated on a ward-by-ward basis.
7. An alternative option would be to move to a cycle of whole Council elections where the presumption of uniform three Member warding does not apply.
8. Whole Council elections are where all the seats are up for election at the same time. This happens once every four years. These elections can be combined with other elections, for example a UK Parliamentary General Election, and are with parish council elections.

Comparative Authorities

9. The table below lists the frequency with which Surrey District and Borough Councils have their elections. Six elect by thirds and five have whole council elections.

Local Authority	Scheme of Elections	Cabinet / Committee System	Electorate (as of 1 Dec 2020)	Number of Members	Electors per Member
Elmbridge	By thirds	Cabinet	100,451	48	2,093
Epsom and Ewell	Whole council (2023)	Committee System	59,262	38	1,560
Guildford	Whole council (2023)	Cabinet	102,599	48	2,137
Mole Valley	By thirds	Cabinet	68,183	41	1,663
Reigate & Banstead	By thirds	Cabinet	108,371	45	2,408
Runnymede	By thirds	Committee System	62,347	41	1,521
Spelthorne	Whole council (2023)	Committee System	76,719	39	1,967
Surrey Heath	Whole council (2023)	Cabinet	67,948	35	1,941
Waverley	Whole council (2023)	Cabinet	94,890	57	1,665
Woking	By thirds	Cabinet	75,713	30	2,524
Tandridge	By thirds	Committee System	65,660	42	1,563

10. Across England, according to the latest LGBCE data, 216 authorities elect by whole council elections, 110 elect by thirds and 7 elect by halves.

Comparison of whole council elections and elections by thirds

11. A variety of arguments can be made as to the advantages and disadvantages of each type of electoral cycle.

Whole Council Elections

12. The advantages of whole council elections include certainty when a council has a four year mandate. This provides stability allowing the Council to adopt a strategic approach to policy and decision making in line with a medium-term financial strategy and focusing less on yearly election campaigning. This also avoids uncertainty for several months of the year in relation to the delivery of Council objectives and consideration of complex issues during the pre-election period.

13. The Electoral Commission issued a report on the cycle of local government elections in England in 2004. This is attached at Appendix A. The recommendation of this report was that:

"Having taken into account the evidence and arguments presented during our consultation process, we have concluded that a pattern of whole council elections for all local authorities in England would provide a clear, equitable and easy to understand electoral process that would best serve the interests of local government electors."

14. In addition, the Secretary of State urged all councils to consider moving to whole council elections in 2021. This was because it *"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."*¹

15. Under whole Council elections, during the boundary review undertaken by the LGBCE, the presumption for uniform three Member warding does not apply. Therefore, it would be possible for one and two Member wards to exist in future ward boundary arrangements under whole Council elections. The geographical extent of future wards represented currently by one or two members would still be under consideration by the LGBCE as part of its review.

Elections by thirds

16. Advantages of electing by thirds include the assurance of a regular return of new Members which allows for succession planning. The Council will always be made up of new and experienced Councillors. It also reduces the likelihood of wholesale change within the Council.

¹ Statement of the House from Robert Jenrick, Secretary of State for the Ministry of Housing, Communities and Local Government, 10 June 2021: <https://questions-statements.parliament.uk/written-statements/detail/2021-06-10/hcws84>.

17. More regular elections allow judgement of a Council more frequently than every four years. This can enable the electorate to react sooner to local circumstances, thereby providing more immediate political accountability.
18. Maintaining the current system also encourages people into the habit of voting and voting for one person is well understood by voters. Voting for two or three councillors under whole Council elections could cause confusion.
19. It should be noted that if the Council continue electing by thirds, the LGBCE is obliged, as part of its boundary review, to propose that all wards are represented by three Members. Only in very exceptional circumstances can the LGBCE propose ward boundaries which allow for fewer than three members. Therefore, if the Committee are minded to retain elections by thirds, it is probable that those wards that are currently represented by one or two Members, would change significantly following the boundary review.

Costs and Savings

20. The financial cost of running whole Council elections is less than electing by thirds. This is because elections take place less frequently, and so costs are not incurred each year. In addition, where Council elections can be combined with other elections, for example Police and Crime Commissioner elections, additional savings can be made as the costs for certain elements (such as polling station venues and staff) are shared.
21. An example of the likely cost savings that could be achieved over a four-year period is set out at Appendix B. These figures are estimated savings only as much depends on the frequency of other elections and the unpredictable nature of a UK Parliamentary General Election.

Programme of Forthcoming Elections

22. It is possible to identify when some elections will take place, based on the current election cycles:
 - UK Parliamentary General – every five years (but can be held at any time)
 - Police & Crime Commissioner – every four years
 - Surrey County Council – every four years
 - Tandridge District Council – every three out of four years
 - Parish Councils – every four years
23. In addition, legislation makes provision for certain local referenda to be held. The Government may also decide to hold a national referendum at any point.

24. In terms of calendar years, the cycles would be as follows:

Year	Current cycle of electing by thirds	Future Cycle if stay with elections by thirds	If Change to whole Council elections & align Parish elections
2023	District Council Elections Parish Council Elections (16)	District Council Elections Parish Council Elections (16)	District Council Elections Parish Council Elections (16)
2024	District Council Elections Parish Council Elections (5) Police and Crime Commissioner Elections	District Council Elections (all out on new boundaries) Parish Council Elections (5) Police and Crime Commissioner Elections	District Council Elections (all out on new boundaries) Parish Council Elections (all) Police and Crime Commissioner Elections
2025	County Council Elections	County Council Elections	County Council Elections
2026	District Council Elections	District Council Elections	
2027	District Council Elections Parish Council Elections (16)	District Council Elections Parish Council Elections (16)	
2028	District Council Elections Parish Council Elections (5) Police and Crime Commissioner Elections	District Council Elections Parish Council Elections (5) Police and Crime Commissioner Elections	District Council Elections Parish Council Elections (all) Police and Crime Commissioner Elections
2029	County Council Elections	County Council Elections	County Council Elections

25. In terms of Parish Council Elections, the table above presumes that the Council, if it resolved to move to whole Council elections, uses provisions within legislation to amend the date of Parish Council elections so that they take place every four years. Further information is in paragraphs 29 and 30 below.

26. In terms of UK Parliamentary General Elections, it should be noted that the next must take place on or before May 2024.

Process For Changing Electoral Cycle

27. The Local Government & Public Involvement in Health Act 2007 (Sections 31 to 54) sets out the process for district councils to change their electoral arrangements. In order to change electoral cycle, the Council must:

- have taken reasonable steps to consult such persons as it thinks appropriate on the proposed change;
- convened Full Council to consider the proposed change;
- have at least two-thirds of those voting to have voted in favour of the proposed change;
- ensure that the year for the first ordinary whole council election is specified in the recommendation. (This cannot be the same year as whole Council election for the County Council);
- publish an explanatory document on the decision and make this available for public inspection; and
- notify the Electoral Commission.

Consultation

28. As explained, the Council must have taken reasonable steps to consult with such persons as it thinks appropriate on the proposed changes prior to passing a recommendation. The legislation does not specify the nature of that consultation but in order to ensure that the decision is reasonable, the Council would need to provide sufficient publicity and variety of engagement methods with Council Members, parish councils, members of the public, stakeholders and political parties for comments and representations to be made.
29. If the Committee were minded to proceed with investigating the potential for whole Council elections, the next step would be to approve the consultation process as detailed in Appendix C. Briefly, the Council would make available a consultation process by way of the local press; a website consultative process and through its Councillors. It is suggested that a six week consultation period would be adequate. The results of the consultation would be presented back to the Committee at its meeting on 30 June allowing Members to consider whether to recommend to Full Council that the Council adopt whole Council elections. This would be at a Full Council meeting in July 2022.

Impact on Parishes

30. A move to whole Council elections would affect Parish Councils within the District. The Local Government & Public Involvement in Health Act 2007 enables the Council to make an order to alter the years of the ordinary elections of Parishes so that they coincide with the date of whole Council elections.
31. If the Council decides to move to whole Council elections, then to avoid Parish Councils incurring the cost of standalone elections, it is recommended that the Council make an order that aligns that Parish Council elections coincide with the District elections. Having Parish elections at the same time as District elections may also produce higher levels of turnout for Parish elections.

Key implications

Comments of the Chief Finance Officer

As part of the IMPOWER work last October, Reduction to Election Cycle was not included on the current savings. The Boundary Commission review has brought this higher up the agenda. It was estimated that moving to a 1 in 4 cycle could provide a saving of potentially £25k per annum, but subject to the outcome of the consultation.

Savings within this paper are based on the 2018 figures. 2018 was the last time there was only District elections and can provide a good sightline of the direct costs. Any requirements to hold by elections either directly or on behalf of the other organisation is unpredictable and not included within the savings.

With regard to the other elections Tandridge hosts, only direct expenditure can be reclaimed. All expenditure for the other elections are held separately and reclaimed appropriately.

Any changes to the constituency of the political administration would await for the outcomes of the Boundary Commission review.

Comments of the Head of Legal Services

There are prescriptive procedures for dealing with electoral reviews and reviews of electoral cycles, arising primarily from the Local Democracy, Economic Development and Construction Act 2009 and Local Government and Public Involvement in Health Act 2007. Whilst the final decision in respect of an electoral review rests with the Local Government Boundary Commission and is brought in to effect by statutory instrument, the final decision in respect of the electoral cycle would need to be made by a special meeting of Full Council (on a majority of at least two thirds of those present).

The first step would be to undertake a public engagement consultation on the issue of moving from the current electoral cycle of elections to 'whole Council' elections once every four years.

Equality

The Council has a duty to advance equality of opportunity between people who share a relevant protected characteristic and persons who do not share their characteristic. Research referenced in the Electoral Commission report (Appendix A) suggests that younger age groups and those with an ethnicity other than white were less likely to know when local elections were taking place. Moving to all out elections may provide an opportunity for the Council to positively impact on the opportunities of these groups to participate and vote in elections.

The consultation will be publicised in such a way as to ensure a wide range of residents are given the opportunity to have their say.

Climate change

There are no significant environmental / sustainability implications associated with this report.

Appendices

Appendix A – Electoral Commission, The Cycle of Local Government Elections in England

Appendix B – Estimated Savings

Appendix C – Consultation Process

Background papers

None.

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