

CABINET

19 March 2014

GOVERNANCE REVIEW – IMPACT OF LOCAL GOVERNMENT BOUNDARY
COMMISSION ELECTORAL REVIEW

OPTIONS FOR THE COUNCIL'S ELECTORAL CYCLE

REPORT OF CHIEF OPERATING OFFICER

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RECENT REFERENCES:

OS83 – Review of Statutory Services ISG Recommendations – 23 September 2013

CAB2520 – Statutory Services ISG Recommendations – 23 October 2013

CAB2542 – Options for the Council's Electoral Cycle – 4 December 2014

EXECUTIVE SUMMARY:

Following the Council decision on 8 January 2014 to undertake public consultation on whether there should be any change to the Council's electoral cycle:

- a) The consultation document at Appendix 1 was produced, following consultation with the Electoral Review/Governance Informal Policy Group.
- b) Representations received at the date of publication of this Report are shown in Appendix 2.

The Informal Group is not making specific recommendations as to the action that the Council should now take, but has recommended that the matter be considered at Council on 2 April 2014.

RECOMMENDATIONS:

To Cabinet and Council:

- 1 That a special meeting of Council on 2 April 2014, give consideration as to whether the Council should change its electoral cycle from elections by thirds to whole Council elections for implementation in 2016.
- 2 That, if the Council opts for whole out elections, consideration be also given as to whether to make representations to the Local Government Boundary Commission and Secretary of State, as appropriate, that transitional provisions be made for the next election after 2016 to be held in 2019, to align the Winchester cycle to that of other District Councils on whole out elections, or whether the next Winchester election should be in 2020.
- 3 That it be noted that a report will be brought to Council on 16 July 2014 upon the Council's proposed submission to the Local Government Boundary Commission on the future size of the Council.

To Cabinet:

- 4 That a report be brought direct to Council on 2 April 2014 on the final outcome of the public consultation on the Council's Electoral cycle, together with any other relevant information, following consultation with the Electoral Review/Governance Informal Policy Group.

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DETAIL:

1 Introduction

- 1.1 At its meeting on 8 January 2014 Council agreed to commence statutory consultation on a possible change to whole Council elections for implementation in 2016 – CAB2542 refers. The Council resolved:

“That in undertaking the consultation it be made clear that the Council has not at this stage expressed a preference as to whether to make a change to whole Council elections every four years or to retain the existing system of elections by thirds”

- 1.2 The reason for undertaking the consultation at this stage was to give the Council the opportunity to decide whether it wished to make a change from its current electoral cycle of elections by thirds, before the Local Government Boundary Commission for England (LGBC) undertakes its warding review of the Council later in the year. The Council's decision on the electoral cycle will affect the way in which the future warding arrangements are implemented.
- 1.3 If the Council does not make any decision upon its electoral cycle, the existing election by thirds system will continue. More detail on the background information is contained in CAB2542, but some key elements are repeated in this report.
- 1.4 Cabinet established the Electoral Review/Governance Informal Policy Group to act as a sounding board in taking forward the Council's response to the Commission's Electoral Review and the Council's own Governance Review. It has the following membership:
- Councillor Godfrey (Chair) and Councillors J Berry, Clear, Learney, McLean Weir and Wright .
- 1.5 The Group were consulted on the contents of the public consultation document which has been used on the website, in consultation letters with stakeholders and signposted through press notices. This is attached as Appendix 1. Any further responses will be reported directly to Council.

2 Changes to the Council's Electoral Cycle

- 2.1 The existing system of election by thirds means a third of the Council is elected each year for a four year term of office. In the fourth year there are no ordinary City Council elections and the County Council election takes place.
- 2.2 For Winchester this currently means:
- (a) County Council elections in 2013 and 2017 – County election dates are fixed in national legislation and will not change.
 - (b) City Council elections in 2014, 2015 and 2016.
- 2.3 S32-36 Local Government and Public Involvement in Health Act 2007, as amended by the Localism Act 2011, governs the process for a change in the cycle.
- 2.4 This Council only has the option of election by thirds, or whole Council elections. Election by halves (eg as in Fareham) is no longer available to councils which have not already adopted that system.
- 2.5 S33 of the Act requires the Council to take reasonable steps to consult such persons as it thinks appropriate on a proposed change to whole Council elections. The response to the consultation will need to be taken into account by the Council before it arrives at a decision.
- 2.6 After the end of the consultation process, a Special Meeting of Council has to be convened (although it will be held on the same night as the next ordinary meeting on 2 April 2014). The resolution to change to whole Council elections would have to be approved by a majority of at least two-thirds of those voting on it.
- 2.7 The resolution has to specify the year the first ordinary elections will take effect. It would be sensible to tie this in with the 2016 elections, when the Commission's other review changes would require an all-out election to effect their changes in any event. The Commission has to be notified of the resolution. Elections would then take place every four years. An alternative would be to request the Secretary of State to tie the changes in with the 4 year cycle elsewhere. This would mean the following election would be in 2019, and every four years thereafter.
- 2.8 Parish Council elections are currently linked to an election year in the relevant City Council Ward. If there is a change to whole Council elections, there will also need to be a change in the parish election year.
- 2.9 If the Council opts to continue with elections by thirds, there will still be an all out election in 2016 to give effect to the warding changes by the Commission. Thereafter, elections by thirds would continue in 2018 onwards, with the councillors who were elected with the lowest votes in each ward coming up for

election first. If a parish is affected by a District Council ward change, then its own electoral cycle may also change.

- 2.10 If the City Council passes a resolution to change to whole out elections it has to keep that system for a minimum of 5 years.

3 Impact of Electoral Cycle on Commission Review

- 4.1 Election by thirds requires a Council size divisible by 3 to create 3 member wards across the District under the current legislation/guidance. The Chairman of the Commission has indicated that a very strong case has to be made on community identity grounds for an exception to this pattern and the recent approach has been to only allow 1 or 2 exceptions to this pattern, if any.
- 4.2 The Commission no longer issue guidance on tolerance levels to the councillor: elector ratio. The consequence is that any variation has to be justified – but there is a need to minimise the number and size of any exceptions. The guidance is that the tolerance levels are much lower than in the past (for the last review it was up to 10%). Although parishes are the building blocks for District wards – the Commission is prepared to split a parish into separate parish wards to enable the District wards to be drawn as closely as possible to meet the councillor: elector ratio. The number of split parishes, therefore, may increase under this guidance.
- 4.2 The approach has changed considerably, therefore, since the last review was implemented in 2002 with:
- 11 - 3 Member wards;
 - 9 - 2 Member wards; and
 - 6 - 1 Member wards.
- 4.3 Whole out elections do not need a Council size divisible by three. There can be a mixture of 3, 2 or 1 Member wards which will make it easier to reflect community identity, particularly in the more rural areas. The Council could also ask for single Member wards across the whole District – but this approach may make it rather more difficult to reflect community identities.
- 4.4 The Lead Commissioner (Professor Paul Wiles) and the lead officer from the Commission are providing a briefing meeting for all Members on 31 March. This will provide an opportunity for Members to ask questions on how the Commission review process works and matters that they will take into account. The Commission is also providing a similar briefing to Parishes (date to be arranged).

5 Change – or Not?

- 5.1 The Electoral Review/Governance Informal Policy Group is not making recommendations to Council as to whether it should make any change in the electoral cycle.
- 5.2 Factors which may impact upon the decision are set out in the public consultation document in Appendix 1 and in the responses received in Appendix 2.
- 5.3 Members can also take into account any further information obtained from LGBC in the Member briefing on 31 March.

6 Wider Electoral Review Process

- 6.1 The next decision that the Council will need to make (by June/early July 2014 at the latest) will be any recommendations that the Council wishes to make to the Commission about Council size. The Informal Policy Group were of the view that members would need the benefit of the Commission briefing before being able to make this decision – and that this meant that it was not appropriate for a decision to be made by Council at the 2 April meeting.
- 6.2 The Informal Group is continuing its preparatory work on the submission that the Council could make in relation to proposals for the future size of the Council, and the programme for the Council to consider that decision.

OTHER CONSIDERATIONS:

7 COMMUNITY STRATEGY AND PORTFOLIO HOLDER PLANS (RELEVANCE TO):

- 7.1 Reviewing the arrangements for the political leadership and electoral accountability of the City Council are a key aspect of ensuring the Council is efficient and effective in the arrangements it makes for the conduct of business.

8 RESOURCE IMPLICATIONS:

- 8.1 The cost of a whole Council election would be about £155,000, which is about £40,000 more than for a one third election. There would, however, be savings in the other two years when a City Council election would no longer be held.
- 8.2 The situation is complicated by the fact that there are often other elections at national level which would share some of the costs with a local election. Therefore, a 20 year projection has been done to take account of the different planning cycles (4 and 5 years) for different types of election. Savings accrued over the whole 20 year electoral cycle from 2016 are likely to be an average annual saving of approximately £50,900. It would not produce a smooth annual saving so the Chief Finance Officer advises that a suitable

approach would be to set an annual budget of the average cost and then to manage the peaks and troughs through reserve movements.

- 8.3 PER242 – Bringing together the Council's Legal and Democratic Services, considered the one off additional costs needed for support for the wider Electoral Review Process. This was shown as requiring growth of £16,000 in 2013, funded through a budget Virement from vacancy management savings. It also required two additional growth of £19,000 in 2014/15 and £25,000 in 2014/15. The budget was approved by Council at its meeting on 20 February.

9 RISK MANAGEMENT ISSUES

- 9.1 If the Council does not opt for whole out elections the risk of three member wards across the District may make it more difficult to achieve wards which best reflect community identity in the forthcoming Commission Review.
- 9.2 The Council will need to take a view as to the balance of advantage between the two options for the future Governance arrangements for the City Council.

BACKGROUND DOCUMENTS:

Local Government Boundary Commission – Electoral Reviews - Technical Guidance

APPENDICES:

Appendix 1 - Public Consultation Document.

Appendix 2 - Outcome of Public Consultation (up to 11.03.14)

PUBLIC CONSULTATION

Frequency of City Council Elections

The Local Government Boundary Commission has decided to review the City Council's electoral arrangements, as part of the national review programme. Later in the year, the Commission's review will look at Council size (the number of Councillors) and will revise the Wards which Councillors represent. Its proposals will be implemented in the 2016 elections.

Before the Commission undertakes its own review, City Councillors can also decide whether they wish to change the existing system of elections by thirds to whole (or all-out) elections. The Council's choice will then be taken into account when the Commission reviews the warding arrangements, which will also be implemented in 2016.

There are 57 Winchester City Councillors and, at present, they are elected by thirds. So each year, one third of the Council (19 Councillors) is elected for a four year term of office. The difference between the three year electoral cycle and the four year term of office means that one year in every four no City Council elections take place. County Council elections are held in that 'vacant' year – the next being 2017 – and are fixed in national legislation and will not change.

There is an alternative to this cycle of thirds and that is to hold whole Council elections once every four years. In other words, all 57 Councillors come up for election at the same time and there are no further scheduled City Council elections (apart from any by-elections) for four years, when the whole Council comes up for election once more. Election by halves (e.g. as in Fareham), is not available to councils like Winchester as they are not currently using that system.

At its meeting on 8 January 2014, the City Council decided to ask the public before making a decision; there is no preferred option at this stage. So this consultation wants to know how you would like to elect your Councillors in the future – one third as now or a change to whole Council elections once every four years. Here is some more information to help you make your choice:-

Advantages of the one third system

- The Council is more frequently accountable to the electorate
- Voters are more regularly engaged with the democratic process
- The number of new Councillors being elected is usually far less than with whole Council elections. Therefore some experience is retained and change can be managed more effectively

Advantages of the whole Council (all-out) system

- It provides a four year term of office for an Administration to deliver its programme
- It avoids 'voter fatigue' by not asking the electorate to vote so often
- It costs less to hold whole Council elections

Other Information

- Parish Council elections are currently linked to an election year in the relevant City Council Ward. So if there is a change to whole Council elections, all 43 parish councils would also hold their elections on the same day as the City Council.
- Staying with election by thirds will require a Council size divisible by 3 to create 3 member wards across the District. The Commission has indicated that a very strong case would have to be made on community identity grounds for any exceptions to this pattern – and it would be unusual to have more than one or two exceptions in any Council area.
- Even if the Council remains with elections by thirds, there will still be an all-out election in 2016, to give effect to the warding changes made by the Commission. Thereafter, elections by thirds would continue in 2018 onwards, with the Councillors who were elected with the lowest votes in each ward coming up for election first.
- Whole Council elections do not need a Council size divisible by 3. There can be a mixture of 3, 2 or 1 Member wards, which will make it easier to reflect community identity, particularly in the more rural areas. The Council could also ask for single Member wards across the whole District – but this approach may make it more difficult to reflect community identities.
- If the Council changes to whole Council elections in 2016, it may be possible to make the first term three and not four years, if it was considered beneficial to bring the Council into line with other authorities nationally who already have all-out elections i.e. 2019 and then 2023, 2027 etc thereafter.
- City Council elections are always combined with Parliamentary or European elections in those years when they fall together (and therefore all costs are shared equally). So to produce a realistic savings figure for changing to whole Council elections, the calculation has to be averaged out over a 20 year period. On that basis, a change to whole Council elections would achieve a potential average annual saving of £50,000, assuming that the change came into effect in 2016.
- A change to whole Council elections has to be retained for a minimum of five years.
- The Commission will be undertaking its own public consultation on Council size and warding arrangements in the summer/autumn of 2014.

Who else is consulted and who makes the final decision?

In addition to consulting the public, we will be seeking the views of Hampshire County Council and all Parish Councils in our District, together with political parties and a number of other interested community groups.

At the end of the consultation process, a report will be prepared which summarises the responses received and this will be submitted to Members. The final decision will be taken by a Special Meeting of Council and any move to whole Council elections would have to be approved by a majority of at least two-thirds of the Councillors voting at the meeting.

How do I make my views known?

The simplest way is to complete the brief survey on the front page of our website to register your preference. There is space for you to add comments if you wish.

If you want more detailed information, please contact the Electoral Review Manager (Chris Ashcroft) on 01962 848284 or cashcroft@winchester.gov.uk. There is also general information about Electoral Reviews on the Local Government Boundary Commission's website at info@lgbce.org.uk

The closing date for this consultation is Friday 14 March 2014.

Frequency of City Council Elections

Public Consultation Results Summary (to date)

Retention of one third system	-	80 (52.3%)
Change to whole Council (all out)	-	73 (47.7%)

Parish Council responses (to date)

Retention of one third system	-	7
Change to whole Council (all out)	-	1

Other organisations (to date)

Retention of one third system	-	2
Change to whole Council (all out)	-	0