

CABINET

4 December 2013

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

The Review of Statutory Services Informal Scrutiny Group (Report OS83 refers) made a proposal that the Council should consider changing its electoral cycle to whole out elections every four years.

This Report outlines the process for the Local Government Boundary Commission's forthcoming Electoral Review of the District. This will commence in 2014 and be fully implemented for Council elections in 2016. The Commission Review will cover future Council size (number of members) and warding arrangements.

Before that review commences, the Council has an opportunity to consider whether it should change from elections by thirds to whole out elections once every four years. This is a decision for the City Council to make, following a public consultation process.

It is proposed that an Informal Policy Group be established with cross party representation to assist in taking forward the Council's wider Governance review – including its response to the Commission's Electoral Review.

RECOMMENDATIONS:

To Cabinet and Council:

- 1 That full Council at its meeting on 8 January 2014, give consideration as to whether the Council should commence statutory consultation on a proposed change to whole Council elections for implementation in 2016.
- 2 That reports be brought to full Council to enable it to determine submissions to the Local Government Boundary Commission on:
 - (a) Stage 1 - Council Size
 - (b) Stage 2 - Warding Arrangementsbefore the Commission undertakes the formal public consultation processes for those stages of the Electoral Review.

To Cabinet:

- 3 That an Informal Policy Group be established 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.

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DETAIL:

1 Introduction

- 1.1 The Review of Statutory Services Informal Scrutiny Group's proposals (Report OS83 refers) were supported by The Overview and Scrutiny Committee at its meeting on 23 September 2013. They were also endorsed by Cabinet at its meeting on 23 October 2013. The aspects that are relevant to this report are:

“ That Cabinet together with the Leaders of other parties on the Council:

- i) consider potential changes to the electoral cycle to move to all-out elections every four years, having regard to a potential average annual saving of £45,000 per annum, and the appropriate timing for possible implementation
 - ii) consider a significant reduction in the number of Members of Winchester City Council from 57 to say, 40, having regard to the likely savings of associated base costs of approximately £100,000 per annum plus potential for further cost savings accrued from across the organisation.”
- 1.2 The ISG's proposals were formulated at a time when initiating any action on these issues would be entirely within the discretion of the City Council.
- 1.3 However, in September 2013, the Local Government Boundary Commission for England (which has a national responsibility for local electoral arrangements) advised that it has decided to undertake a review of our electoral arrangements as a part of its own work programme. Although the Commission's work will mainly focus on District ward boundaries, the Commission will also expect the Council to consider the Council size (number of Members elected) as the first stage of a review. The Commission anticipates that all stages of the review will have to be completed in good time for implementation in the 2016 elections.

- 1.4 The Commission decided to commence the review as the Boarhunt and Southwick Ward has an imbalance of greater than 30% from the Winchester norm for the number of electors per councillor. This imbalance has existed for some time because of delays from the original timescale for the West of Waterlooville development.
- 1.5 The Review will not cover the District or Parliamentary Boundaries. The City Council has also been asked not to commence any new Community Governance Reviews for parishes until the Commission's Review has been concluded. The Commission cannot change parish boundaries, but can create wards within parishes if that will help achieve electoral equality (see para 4.2 below).
- 1.6 The Leader, Chief Executive, Chief Operating Officer and Head of Democratic Services had a briefing meeting on 4 November 2013 with the Chairman and the Director of Reviews from the Commission. A Member Briefing upon the Electoral Review took place on 7 November 2013. This Report provides feedback on the process and actions that the Council now needs to consider.

2 Electoral Review Process

- 2.1 A summary of the Commission's review process is attached as Appendix 1. The key elements are that there are two stages of public consultation process organised by the Commission:
 - (a) First Stage - On the future size of the Council
 - (b) Second Stage – on draft proposals for the future warding of the District – based upon the Council size determined at Stage 1.

The Council can, if it wishes, have an input before these public consultation processes. In practice, the Council would be strongly advised to take up this opportunity if it wishes to influence how the Governance arrangements for the Council develop in future.

- 2.2 A timetable produced by the Commission for the Winchester review is attached as Appendix 2. The Commission will not allow any slippage in this timetable and that was emphasised during the meeting referred to in para 1.6 above.
- 2.3 The question as to whether the Council changes its electoral cycle is not a matter for the Commission. However, if the Council wishes to make a change, then it needs to notify the Commission early in the process. This is because it fundamentally affects the size and number of wards at Stage 2 in the Review process. The Council will need to conclude the decision making process on its electoral cycle by early July 2014 at the latest. As some Members at the recent Briefing pointed out, this makes it desirable that this aspect is resolved by the Council meeting on 2 April 2014 – as Members and relevant officers will afterwards be involved in the build up to the local and European elections

on 22 May 2014. This would mean that a decision to start the consultation process would need to be taken by Council at its meeting on 8 January 2014.

- 2.1 If no decisions are taken by the Council then the Commission will assume the existing system of elections by thirds will remain. They will then shape their review of numbers and boundaries on the basis that the District will be served by three-Member Wards, except in very exceptional circumstances (see section 4).

3 Changes to the Council's Electoral Cycle

- 3.1 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.

- 3.2 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.

- 3.3 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.

- 3.4 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.

- 3.5 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. This is a flexible requirement and could involve a consultation letter to the County Council, parishes, political parties and an item for feedback on the website. It would be appropriate to summarise the advantages/disadvantages of change. If the Council decides not to initiate any change, it does not need to follow the statutory consultation process.

- 3.6 After the end of the consultation process, a Special Meeting of Council would need to be convened (although it could be held on the same night as the ordinary meeting). 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.

- 3.7 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.

- 3.8 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.
- 3.9 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.
- 3.10 If the Council changes to whole out elections it has to keep that system for a minimum of 5 years.

4 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.

5 Change – or Not?

- 5.1 Whole Council elections can be said to provide greater certainty and provide a four year term of office for an Administration to deliver its programme.
- 5.2 OS83 indicated that a change to whole Council elections would allow the potential for cost savings in the election process of a potential average annual saving of £45,000 spread over 20 years. A 20 year projection from 2014 had been used to take account of the different planning cycles (4 and 5 years) for each type of election. The figures have been updated to take account of the assumption that, if adopted, such a change would come into effect in 2016. A 20 year projection to 2035 would result in a 20 year average saving of £50,900 per annum.
- 5.3 On the other hand, election by thirds allows more frequent accountability to the electorate.

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. This should also take into account any proposals the Council has to further modernise its Governance arrangements, and not merely reflect the current position. To do otherwise would waste a significant opportunity to review the roles the Council expects or needs Members to take and the implications that has for numbers required to undertake those roles. That in turn will have financial implications, both in terms of spend on allowances and other member support and more generally in the cost of running the democratic process.
- 6.2 This aspect will require more work and it is proposed that an Informal Policy Group – led from Cabinet but with cross party representation - be established 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. The Chief Operating Officer will normally attend all meetings. Other officers will attend at appropriate stages eg Chief Executive, officers from Legal and Democratic Services; and Finance. Proposals will then be brought to Cabinet, or, if appropriate, to The Overview and Scrutiny Committee. Some proposals will require full Council approval. These will include the final decision on the Council's electoral cycle and any response to the Commission on Council size and warding arrangements.
- 6.3 The Commission's decision on Council size will then be used to determine the councillor: electorate ratio which heavily influences how ward boundaries will be determined in due course. The electorate projections have to be considered in both 2014 and 2020. This will be considered in detail from July 2014 onwards.

OTHER CONSIDERATIONS:

7 SUSTAINABLE COMMUNITY STRATEGY AND CHANGE 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, elsewhere on this agenda considers the one off additional costs needed for support for the wider Electoral Review Process. This is shown as requiring growth of £16,000 in 2013, funded from vacancy management savings. It will also require further growth of £19,000 in 2014/15, in addition to the £25,000 already identified in the proposed budget.

9 RISK MANAGEMENT ISSUES

- 9.1 If the Council does not take a proactive approach to the Commission Review the new arrangements (numbers/wards) will determined by the Commission in any event.
- 9.2 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.
- 9.3 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 - Commission's Review Process

Appendix 2 - Timetable produced by the Commission for the Winchester Review

Appendix 1

Figure 1: Stages for electoral reviews

Stage	Action	Duration*
Preliminary Period	Informal dialogue with local authority. Focus on gathering preliminary information including electorate forecasts and other electoral data. Commissioner-level involvement in briefing group leaders on the issue of council size. Meetings also held with officers, group leaders, full council and, where applicable, parish and town councils. At the end of this process, the council under review and its political groups should submit their council size proposals for the Commission to consider.	Up to 6 months in advance of formal start of review
Council size analysis	Commission analyses submissions from local authority and/or political groups on council size. A decision on the terms on which public consultation will take place will be made at a formal meeting of the Commission.	5 weeks
Formal start of review		
Council size consultation	Public consultation based on the Commission's view of submissions received from the local authority and/or political groups. This may include consulting on more than one size of council.	6 weeks
Council size decision	Commission considers evidence received during public consultation and takes 'minded to' decision on council size and publishes its conclusions.	5 weeks
Consultation on future warding/division arrangements	General invitation to submit warding/division proposals based on Commission's conclusions on council size.	10 weeks
Development of draft recommendations	Analysis of all representations received. The Commission reaches conclusions on its draft recommendations.	For a county review: up to 14 weeks For a district review: up to 10 weeks
Consultation on draft recommendations	Publication of draft recommendations and public consultation on them.	Up to 10 weeks
Further Consultation (if required)	Further consultation only takes place where the Commission is minded to make significant changes to its draft recommendations and where it lacks sufficient evidence of local views in relation to those changes.	Up to 5 weeks
Development of final recommendations	Analysis of all representations received. The Commission reaches conclusions on its final recommendations.	For a county review: up to 14 weeks For a district review: up to 10 weeks

* Time periods shown are the expected typical duration of stages. They are not standards or undertakings. The progress of a review will be determined by the nature of the issues to be addressed and the availability of information to underpin sound decision-making, not by a determination to complete a review within any given period.

Current Review Timescale		WINCHESTER	
Stage	Date start	Date finished	
Preliminary period	Feb 2014	August 2014	
Preliminary meetings with Group Leaders, full Council, parish and town councils and officers	February 2014		
Council size submission due	22 July 2014		
Council size dialogue meeting with group leaders	June/July 2014		
C-size decision LGBCE mtg	19 th August 2014		
Stage 1 consultation start	26 th August 2014	3 rd November 2014	
Tour	December 2014		
LGBCE analysis and deliberation	13 th January 2015		
Draft recommendations consultation	3 rd February 2105	30 th March 2015	
Tour	April 2015		
LGBCE analysis and deliberation	March 2015 – June 2015		
Final recommendations consultation	June 2015		