

<b>20 March 2014</b>		<b>ITEM: 7</b>
<b>Corporate Overview and Scrutiny Committee</b>		
<b>Review of electoral arrangements</b>		
<b>Report of:</b> Fiona Taylor, Head of Legal & Democratic Services and Monitoring Officer		
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Key	
<b>Accountable Head of Service:</b> Fiona Taylor, Head of Legal & Democratic Services and Monitoring Officer		
<b>Accountable Director:</b> Graham Farrant, Chief Executive		
<b>This report is</b> public		
<b>Purpose of Report:</b> This report advises of issues and options to consider should the council seek to change its cycle of elections.		

## **EXECUTIVE SUMMARY**

This report advises of the ability of the council to change its electoral cycle and opt for whole-council elections, rather than by the current method of election by thirds.

Issues and options associated with moving to whole-council elections are set out within the report. The notional costs/savings of such a change have also been included, together with the relative advantages and disadvantages of each method of conducting elections.

The Committee is asked to consider the information provided and decide whether a change to the current electoral cycle should be recommended.

### **1. RECOMMENDATIONS:**

**1.1 Members are requested to consider whether to recommend a change to the electoral cycle of the council and move to whole-council elections every four years, rather than electing by thirds.**

### **2. INTRODUCTION AND BACKGROUND:**

**2.1** At the Cabinet meeting held on 13 November 2013, the Leader of the Council advised that a proposal to move towards whole-council elections every four years would be considered by the Corporate Overview and Scrutiny Committee during the forthcoming budget cycle (Minute No.76 refers).

- 2.2 Section 85 of the Local Government Act 2000 provides principal authorities with three options for holding local elections, as set out below:
- whole-council elections, where an election is held every four years and all councillors are to be elected
  - elections by halves, where an election is held every two years and half of the councillors are to be elected on each occasion
  - elections by thirds, where elections are held three years out of every four and one third of the councillors are to be elected on each occasion.
- 2.3 Thurrock Council currently elects by thirds and the Committee are therefore requested to consider whether to recommend a move towards whole-council elections every four years.
- 2.4 Prior to 2008, the process of changing the electoral cycle of a local authority involved seeking approval from the Secretary of State. The Local Government and Public Involvement in Health Act 2007 made it easier for principal authorities to change their electoral arrangements and gave councils the opportunity to decide this issue for themselves, subject to certain restrictions as to the years the whole-council election could be held.
- 2.5 Section 24 of the Localism Act 2011 has since amended the provisions in the 2007 Act and now allows councils that currently elect by thirds or halves to resolve, at anytime, to move to whole-council elections.
- 2.6 If the council wishes to move to whole-council elections under Section 32 of the 2007 Act, it must carry out the following actions in the order listed:
- Take reasonable steps to consult with such persons as it thinks appropriate on the proposed change;
  - Convene a special meeting of council;
  - Pass a resolution at that special meeting to change the electoral cycle by a two thirds majority of those voting. The council must pass the resolution before 31 December to allow all-out elections to be held in the following May (Section 34);
  - Publish an explanatory document on the decision and make this available for public inspection (Section 35); and
  - Give notice to the Electoral Commission that it has passed the resolution (Section 36).
- 2.7 When seeking to pass such a resolution, Section 24(3) of the Localism Act 2011 requires the council to specify the year in which it will hold its first election and elections will then be held every fourth year thereafter.
- 2.8 If the council were to seek to change its electoral cycle and move to whole-council elections, the earliest opportunity for these to be held will be in May 2015. In order to do this, the council must pass a resolution to do so before 31 December 2014.

2.9 The council may seek to change its electoral cycle at any time in the future and until such time as legislation is amended, must follow the steps set out in paragraph 2.6 above.

### 3. ISSUES, OPTIONS AND ANALYSIS OF OPTIONS:

#### Forthcoming elections in Thurrock

3.1 The scheduled timetable of elections in Thurrock from 2014 to 2020 includes the following types of election:

- Local
- Parliamentary
- European Parliamentary
- Police and Crime Commissioner

3.2 Notwithstanding the potential for a Referendum to be called during this period, the current timetable of elections up to 2020 is set out below:

2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Local	Local	Local	-	Local	Local	Local
-	General	-	-	-	-	General
European	-	-	-	-	European	-
-	-	PCC	-	-	-	PCC

3.3 Should the cycle of local elections be changed to whole-council elections, for example from 2015, the number of local elections required to be held will be reduced by three. The timetable of elections in Thurrock will therefore be as follows:

2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Local	Local (whole-council)	-	-	-	Local (whole-council)	-
-	General	-	-	-	-	General
European	-	-	-	-	European	-
-	-	PCC	-	-	-	PCC

## **Strengths and weaknesses of different electoral cycles**

3.4 The primary strengths and weakness of the move to whole-council elections, rather than elections-by-thirds, are set out below.

### **Strengths:**

- The council has a clear mandate for 4 years, allowing it to adopt a more strategic, long term approach to policy and decision making and focus less on yearly election campaigning. Indeed, Lord Heseltine's 2012 report on economic growth "No Stone Unturned in Pursuit of Growth" makes a strong recommendation for whole Council elections based on his views that 4 year term authorities are better placed to take long term strategic decisions;
- It avoids election fatigue and the results are simpler and more easily understood by the electorate. There would be a clear opportunity for the electorate to change the political composition of the council once every four years;
- Greater publicity of whole council elections may generate higher turnout. The Electoral Commission suggests that electorates associate more clearly with whole-council elections;
- It would be cheaper for the council and political parties as well as less disruptive to public buildings used as polling stations excluding those years where there is a standalone, non local election; and
- Causes less disruption and ensures the council is working 12 months per annum not 10 in 3 out of every 4 years when an election is to be held

### **Weaknesses:**

- Electors would lose the opportunity to influence and hold the Council to account on an annual basis;
- Smaller parties may find it harder to resource the "whole Council" elections process
- It may be harder for independent candidates standing on a matter of strong local interest to get elected without an annual poll
- Perceived lack of continuity if there are a lot of new Councillors at one election, although this has not been a problem in any councils operating the system;
- Higher potential for by-elections;
- Additional cost of consultation on any proposals to change the electoral cycle; and
- Additional cost of publicity on the new system and what this means for electors.

3.5 The primary strengths and weakness of retaining elections-by-thirds are set out below.

Strengths:

- Avoids electing a complete change of councillors with no experience and allows continuity of councillors;
- More likely to be influenced by local rather than national politics, and this national influence will increase given the trend toward Parliamentary elections being held on the same day as local elections;
- 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;
- Allows judgement of a council annually rather than every four years and allows the electorate to react sooner to local circumstances, thereby providing more immediate political accountability;
- Regular booking of polling facilities and use of staff on election duties increases effectiveness of training and retention of polling facilities; and
- Electors are familiar with an election every year and a change to whole-council elections is likely to cause confusion

Weaknesses:

- Current system encourages short-term thinking and lack of planning; and
- Costs of holding elections in three out of every four years.

### **The cost of running local elections**

3.6 Under the current system of electing by thirds, the cost of running a local election has been estimated as follows:

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|--|----------|
| • Local election, not combined with another election (see 2018 on the current timetable of elections)            | £200,000 |
| • Local election, combined with another election (see 2015, 2016 and 2019 on the current timetable of elections) | £120,000 |
| • Local election, combined with two other elections (see 2020 on the current timetable of elections)             | £100,000 |

3.7 The cost of running a whole-council local election has been estimated as follows:

- |   |          |
|---|----------|
| • Local election, not combined with another election  | £230,000 |
| • Local election, combined with another election (see 2015 and 2019 on the proposed revised timetable of elections) | £140,000 |

- 3.8 If the council moved to whole-council elections from May 2015, and every four years thereafter, the next scheduled local election would take place in 2019. It should be noted that the local elections would also be combined with the Parliamentary election in 2015 and European Parliamentary election in 2019.
- 3.9 It has been estimated that, under the current system of electing by thirds, the cost of holding local elections in each applicable year from 2015 to 2020 will be in the region of £660,000.
- 3.10 The estimated cost of holding local elections in the same time period under a whole-council system would be in the region of £280,000, which represents a potential saving of up to £380,000 in the years to 2020 if the cycle changes from 2015.

#### **By-elections (and associated costs)**

- 3.11 The term of office of a councillor is four years. A by-election is required when a vacancy on the council has to be filled between regularly scheduled elections.
- 3.12 An estimate was recently produced in respect of the cost of holding a by-election to fill a single vacancy. This estimate covers three of the twenty Wards within the borough and is set out below:

	<b>Orsett Estimate 2013</b>	<b>South Chafford Estimate 2013</b>	<b>The Homesteads (estimate 2014)</b>
Staffing	£3,566	£3,096	£3,860
Buildings	£1,000	£900	£10,600
Postal voting	£1,790	£2,026	1900
Ballot papers	£421	£421	500
Poll cards	£1,904	£1,904	1904
Miscellaneous	£2,267	£2,253	667.25
<b>Total</b>	<b>£10,948</b>	<b>£10,601</b>	<b>£19,369</b>

- 3.13 It is estimated that an average ward by-election with permanent polling stations, would cost in the region of £8,000 to £10,000. The recent by-election held in Stifford Clays on 17 October 2013 had an actual cost of £8000.
- 3.14 The Homesteads is shown as an example of a ward with three temporary polling stations. The miscellaneous costs for 2014 have been reduced as savings have been found or the experience at the recent by-election highlighted that job roles within a smaller count can be carried out by one person or are not required.

#### **Implications of any change on the running and management of already scheduled elections**

- 3.15 The practical impact of organising separate elections on the same day needs to be considered carefully, particularly if the scale of the local election was to increase owing to a move to the full council being elected rather than a third of members of the authority.
- 3.16 The turnout figures for local elections are likely to be boosted by association with a high profile election. However, that association could obscure local issues for voters when casting their vote in the local elections.
- 3.17 Considerable expertise and organisation will be required to ensure these crucial events are run well. The risk to the council's reputation is substantial, so the professionalism and experience of staff in producing a transparent and accurate result is crucial.
- 3.18 A change to the electoral cycle in 2015, or a year thereafter, is likely to have the following implications:
- There is a high risk of elector confusion, as they will be asked to vote for more than one candidate when this has not previously been the case in Thurrock. This could cause problems on the day of the election and any issues are likely to be compounded by the higher voter turnout for the 2015 General Election. However Thurrock has many new communities who may be familiar with this approach.
  - Staff training will need to be reviewed and resources increased to ensure the nomination process is managed effectively with the increase in candidate numbers and a change to ballot papers with voting for more than one candidate. The higher the turnout for a General Election will put pressure on the count process and procedures and will need further resourcing and training.
  - The cost of ballot papers will increase due to the increased number of candidates and increase in the number of ballot boxes required.
  - The nomination process and timeframe will require additional staff resources to check and input nomination papers.
  - Count venue costs and staffing costs may increase due to lengthened count process.
  - There is a risk of rushing to implement any change in 2015, whilst Electoral Services adjust to the scheduled introduction of Individual Elector Registration (IER). Consultation may need to be resourced corporately.
  - If an all out local election was delivered in 2016 the turnout for the Police and Crime Commissioner election could increase as a result of interest in the local election which is a positive step.
  - The turn out for this election in Thurrock was 10.2% in 2012, compared to an average of 27.31% for the local election held earlier that year. The combination may have a negative impact on the local election turnout.
  - The voting system used for the Police and Crime Commissioner election will be different and may cause confusion if combined with an all out local election.
  - Retention of staff knowledge and training on local elections may be difficult to sustain with a four year cycle.

## **Implications of any change on the work of Electoral Services**

- 3.19 With the current cycle of elections, as shown in paragraph 3.2, Electoral Services will have one year where no elections are scheduled to be held, 2017-18. Any change to the cycle of elections is likely to have implications for the work of the team, particularly if an all out local election is to be held at the same time as a General election.
- 3.20 It is important to note that throughout the course of any given year, the team continue to undertake vital work to support both the electoral registration and election process. Those years where an election is not scheduled be held provide an opportunity for statutory and other more time-consuming project work to be undertaken.
- 3.21 The types of work usually undertaken by the team are:

### **Statutory Annual Canvass:**

- Canvass all households according to the current legislation. This is typically a 5 month project
- Publication of the revised register by 1 December each year

### **Compilation of the Register of Electors on behalf of the Electoral Registration Officer, including:**

- Monthly updates by statutory dates
- Maximising registration – tracking and inviting new residents to register
- Accuracy of register – reviewing existing electors following receipt of information and removing from register if required
- Maintaining the property register
- Provision of data to credit agencies and other persons permitted to receive the register by legislation
- Reporting on performance standards to the Electoral Commission



Project work:

- Review of processes in non election years
- Refresh of paperwork including storage of forms / scanned images
- Audit and refresh of election equipment
- Statutory Absent Vote Refresh. This is typically a 3 month project
- Statutory Polling Station Reviews. This is typically a 4 month project at a minimum
- At any time there is the potential for Community Governance Reviews, Referendums and Council Tax referendums
- Boundary Reviews as required

3.22 A proactive approach is required by the Service throughout the year and not just during the canvass period in order to maintain accurate and complete registers, ensuring as far as possible that all eligible persons are on the register and that all non eligible persons are removed. The Service is encouraged to undertake activity throughout the year to identify people who are not registered individually and encourage them to register.

3.23 It is also important to highlight that during 2014, Electoral Services staff will be implementing Individual Elector Registration (IER).

3.24 From 10 June 2014, Individual Electoral Registration will be introduced and will see the current household based registration system changing to one that requires each individual to be registered individually. This will impact on the services that are delivered. All new registrations will require the elector to provide their national insurance number and date of birth. Electoral staff will be required to verify the identities of existing electors against records held by the DWP and personally canvass electors who do not respond to requests for information.

### **Transition to whole council elections**

3.25 If the council pass a resolution to move to whole-council elections, the term of office of all councillors will come to an end in May of that year, irrespective of the councillors' length of service at that time.

3.26 This will need to be explained to both serving councillors who have not served their full four year term of office, together with any candidates who wish to stand in a local election the year before a change to the electoral cycle comes into effect. This would therefore impact on the forthcoming local election on 22 May 2014.

## **4. REASONS FOR RECOMMENDATION:**

4.1 At the request of the Leader of the Council, the proposal to move towards whole-council elections every four years is to be considered by the Corporate Overview and Scrutiny Committee. The Committee are requested to consider making a recommendation whether to progress this and so enable the council to take a decision on whether to change the electoral cycle of the authority.

## 5. CONSULTATION (including Overview and Scrutiny, if applicable)

- 5.1 There has been no consultation undertaken in respect of this report.
- 5.2 Should the Committee decide to make a recommendation to move to whole-council elections, the council is required to take reasonable steps to consult with such persons as it thinks appropriate on the proposed change.

## 6. IMPACT ON CORPORATE POLICIES, PRIORITIES, PERFORMANCE AND COMMUNITY IMPACT

- 6.1 There is no impact at this stage. Any proposal to change the cycle of elections will be the subject of a report to the full council and, if approved, will also be subject to public consultation.

## 7. IMPLICATIONS

### 7.1 Financial

Implications verified by: **Mike Jones**  
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The cost of an election is met by the body or bodies whose representatives have been elected and therefore, any occasion where a local election is combined with another would see a reduction in costs to the council.

The costs associated with running an election and a by-election have been estimated and are set out in the report.

Any savings that may be associated with a proposal to change the cycle of elections would be dependent upon the year in which the new cycle was to commence, as this would determine when local elections may be combined with others and therefore see a reduction in costs.

### 7.2 Legal

Implications verified by: **David Lawson**  
Telephone and email: **01375 652442**  
[David.Lawson@bdtlegal.org.uk](mailto:David.Lawson@bdtlegal.org.uk)

The legal implications associated with changing the electoral cycle of the Council are set out in the body of the report.

### 7.3 **Diversity and Equality**

Implications verified by: **Natalie Warren**  
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Under the Equality Act 2010, Section 149, a public authority must, in the exercise of its functions, have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In considering this report, Members must consider whether the decision will or could have a differential impact on: racial groups; gender; people with disabilities; people of a particular sexual orientation; people due to their age; people due to their religious belief.

An Equality Impact Assessment has not been undertaken in respect of this report and this is because it is not considered that there will be an adverse impact arising from changing the cycle of elections held by the Council. However, if a decision is taken to change the cycle of elections, an Equality Impact Assessment will be conducted to help inform the implementation of this decision.

### 7.4 **Other implications (where significant)** – i.e. **Section 17, Risk Assessment, Health Impact Assessment, Sustainability, IT, Environmental**

None.

### **BACKGROUND PAPERS USED IN PREPARING THIS REPORT (include their location and identify whether any are exempt or protected by copyright):**

- No Stone Unturned in Pursuit of Growth. Lord Heseltine. 2012 (recommendation 14)  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/34648/12-1213-no-stone-untuned-in-pursuit-of-growth.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/34648/12-1213-no-stone-untuned-in-pursuit-of-growth.pdf)

### **APPENDICES TO THIS REPORT:**

- There are no appendices to this report.

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