



Extraordinary Council

Agenda

Part One

Council Chamber - Town Hall

Wednesday, 10 December 2014 at 10.30 pm
(or at the rising of Ordinary Council, if later)

Membership (Quorum – 10)

Councillors

Cllrs Mrs Davies (Mayor), Keeble (Deputy Mayor), Aspinell, Baker, Barrett, Carter, Chilvers, Clark, Cloke, Mrs Coe, Mrs Cohen, Faragher, Mrs Henwood, Hirst, Mrs Hones, Hossack, Mrs Hubbard, Kendall, Kerlake, Le-Surf, Lloyd, McCheyne, Mrs McKinlay, Morrissey, Mrs Murphy, Mynott, Dr Naylor, Newberry, Parker, Quirk, Reed, Russell, Ms Sanders, Sapwell, Mrs Squirrell, Sleep and Tee

Committee Co-ordinator: Jean Sharp (01277 312655)

Members are respectfully summoned to attend the above meeting to transact the business set out herewith.

NOTICE IS HEREBY GIVEN: To pass a resolution for whole council elections in accordance with Section 33 of the Local Government and Public Involvement in Health Act.

Notice of an Amendment

Subject to Rule 3.3, notice of an amendment to a recommendation or motion on the agenda for a Council meeting may be given by two members to the Monitoring Officer up to 12 noon on the day of Council. Only motions which can be moved without notice or amendments to recommendations arising from Officers' reports will be accepted without notice.

Point of Order/Personal explanation/Point of Information

For clarity, relevant sections of Rule 8 of the Council's Procedure Rules (Part 4.1 of the Constitution) are set out for Members' information below:

8.3.14 Point of order

A member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Procedure Rules or the law. The member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Mayor on the point of order will be final.

8.3.15 Personal explanation

A member may make a personal explanation at any time. A personal explanation must relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.

8.3.16 Point of Information or clarification

A point of information or clarification must relate to the matter being debated. If a Member wishes to raise a point of information, he/she must first seek the permission of the Mayor. The Member must specify the nature of the information he/she wishes to provide and its importance to the current debate. If the Mayor gives his/her permission, the Member will give the additional information succinctly. Points of information or clarification should be used in exceptional circumstances and should not be used to interrupt other speakers or to make a further speech when he/she has already spoken during the debate. The ruling of the Mayor on the admissibility of a point of information or clarification will be final.

Information for Members of the Public

Access to Information and Meetings

You have the right to attend all meetings of the Council and its Boards and Committees. You also have the right to see the agenda, which will be published no later than 5 working days before the meeting, and minutes once they are published. Dates of the meetings are available at www.brentwood.gov.uk or from Democratic Services (01277 312739).

Webcasts

All of the Council's meetings are webcast, except where it is necessary for the items of business to be considered in private session (please see below).

If you are seated in the public area of the Council Chamber, it is likely that your image will be captured by the recording cameras and this will result in your image becoming part of the broadcast. This may infringe your Human Rights and if you wish to avoid this, you can sit in the upper public gallery of the Council Chamber.

Private Sessions

Occasionally meetings will need to discuss some of its business in private. This can only happen on a limited range of issues, which are set by law. When a Board or Committee does so, you will be asked to leave the meeting.

Guidelines on filming, photography, recording and use of social media at council and committee meetings

The council welcomes the filming, photography, recording and use of social media at council and committee meetings as a means of reporting on its proceedings because it helps to make the council more transparent and accountable to its local communities.

Where members of the public use a laptop, tablet device, smart phone or similar devices to make recordings these devices must be set to 'silent' mode to avoid interrupting proceedings of the council or committee.

If you wish to record the proceedings of a meeting and have any special requirements or are intending to bring in large equipment then please contact the Communications Team before the meeting.

The use of flash photography or additional lighting may be allowed provided it has been discussed prior to the meeting and agreement reached to ensure that it will not disrupt proceedings.

The Chair of the meeting may terminate or suspend filming, photography, recording and use of social media if any of these activities, in their opinion, are disrupting proceedings at the meeting.

Access

There is wheelchair access to the Town Hall from the Main Entrance. There is an induction loop in the Council Chamber.

Evacuation Procedures

Evacuate the building using the nearest available exit and congregate at the assembly point in the North Front Car Park.

Part I

(During consideration of these items the meeting is likely to be open to the press and public)

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Agenda Item No.	Item	Wards(s) Affected	Page No.
1.	To appoint a Member to preside at the meeting if neither the Mayor or the Deputy Mayor are present and able to preside.		
2.	Apologies for Absence		
3.	Declarations of Interest from Members and Officers		
4.	Whole Council Elections for Brentwood Borough Council To pass a resolution for whole council elections in accordance with Section 33 of the Local Government and Public Involvement in Health Act.	All Wards	7 - 16
5.	Urgent Business To consider any matter which, by reason of special circumstances to be specified in the minutes of the meeting, the Mayor considers should be considered at the meeting as a matter of urgency.		
6.	Local Government Act 1972 - Exclusion of the Press and Public		

A handwritten signature in black ink, appearing to read "J. Healy". The signature is written in a cursive, flowing style.

Acting Chief Executive

Town Hall
Brentwood, Essex
25.11.2014

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10 December 2014

Extraordinary Council

Whole Council Elections for Brentwood Borough Council

Report of: *Ben Bix, Corporate and Democratic Services Manager*

Wards Affected: *All*

This report is: *Public*

1. Executive Summary

1.1 This report advises Council of its power to change its electoral scheme to whole council elections. Brentwood Borough Council operates an election scheme by thirds¹, holding a Borough election three years out of four. The typical cost to the Council of a *shared* election is £69,000; the cost of a *sole* Borough Council election is £95,000. Whole council elections offer a potential saving of between £138,000 and £195,000 over a four year cycle. The Council can change its electoral cycle should it resolve to do so.

1.2 In order to resolve to change its electoral cycle, the Council must:

- a) Have taken reasonable steps to consult such persons as it thinks appropriate on the proposed change;
- b) Convene an extraordinary meeting of Council to consider the proposed change;
- c) Have at least two-thirds of those voting at the extraordinary meeting of Council vote in favour of the proposed change; and
- d) Ensure that the year for the first ordinary whole council election is specified in the resolution. This cannot be the same year(s) as whole council elections for the County Council.

1.3 This report facilitates steps b), c) and d) above. Step a) was initiated by Ordinary Council on 22 October 2014.

2. Recommendation that:

Council decides whether to retain a scheme of elections by thirds or change to a scheme of whole council elections.

3. Introduction and Background

- 3.1 Part 1, sections 7, 8 and 9 of the Local Government Act 1972 provide the electoral scheme for Local Authorities in England. As a non-metropolitan district in a two-tier county, Brentwood is one of 62 such Councils that elect its councillors by thirds. 132 non metropolitan district councils conduct whole council elections on a 4 yearly cycle.
- 3.2 Chapter 1 of the Local Government and Public Involvement in Health Act 2007, as amended by Chapter 5 of the Localism Act 2011, enables non-metropolitan districts to change their electoral cycle.
- 3.3 The Finance and Resources Committee of 30 June 2014 resolved to explore the potential for whole council elections for the Borough of Brentwood.
- 3.4 Ordinary Council on 22 October 2014 resolved to consult interested parties on whole council elections for Brentwood Borough Council and to convene an Extraordinary Council at the rising of Ordinary Council on 10 December 2014. A two thirds majority of those voting² would be required to change the Borough election cycle to whole council elections. Two thirds of 37 is 25.³
- 3.5 The election scheme for the Borough is a matter reserved for Council to decide.

4. Issue, Options and Analysis of Options

- 4.1 The Electoral Commission in its report *The cycle of local government elections in England, 2004*, recommended that **all** local authorities should hold whole council elections once every four years. The report emphasised that the current pattern of local election cycles was unnecessarily complicated and confusing and that many electors did not know when or why local elections were being held in their area. Furthermore, the report noted that a political administration with a term of four years, rather than one year, should ensure greater efficiency and effectiveness in local authorities.
- 4.2 The Local Government Association Peer Review report on Brentwood Borough Council 2014 said that the Council should “*Look medium to longer term as we saw no strategic plan or horizon scanning beyond 2016. One quotation was “we don’t have an answer beyond the next two years”.*”

² An abstention is not a vote

³ 24.66

4.3 Comparison of whole council elections and election by thirds

Election by thirds	Whole council elections
	A council has a 4 year mandate, allowing it to adopt a strategic approach to policy and decision making in line with a medium term financial strategy
The risk of electing a complete change of Councillors with no experience is mitigated	Allows for a complete change in Councillors
Enables the electorate to judge the Council three years out of four	The Council has a longer term to deliver its mandate before being judged by the electorate
More likely to be influenced by local rather than national policies, and promotes engagement between Councillors and the public.	
Residents are accustomed to electing Borough councillors 3 years out of 4	
The majority of District Councils in Essex elect by thirds (7 of 12)	132 district councils in England operate a scheme of whole council elections whilst 62 operate a scheme of elections by thirds.
	Parliament and the European Parliament hold whole parliament elections every 5 years
	The County Council has whole council elections every four years and the Police and Crime Commissioner is elected for a 4 year term.
More opportunities for people to stand for election	
More opportunities to vote	
	Over a 4 year cycle whole council elections could cost £138,000 - £195,000 less than election by thirds
Possible by-elections can be scheduled to co-incide with the next election by thirds to reduce cost	

4.4 Nationally, the number of district councils electing by thirds is **decreasing** (62) whilst the number of councils operating a scheme of whole council elections is **increasing** (132).

- 4.5 There are 12 district councils in Essex⁴. The election cycle for each council is shown below.

Whole council elections	Election by thirds
Braintree	Basildon
Chelmsford	Brentwood
Maldon	Castle Point
Tendring	Colchester
Uttlesford	Epping Forest
	Harlow
	Rochford

Permitted resolution options

- 4.6 Should the Council, resolve to change its electoral cycle to whole council elections, it **must** specify the year in which whole council elections would take place.
- 4.7 Should the Council resolve to conduct whole council elections in **2015**, then it would join the majority of district councils conducting whole council elections on that day. The Borough elections would be combined with the Parliamentary general election⁵ and seven parish elections. Council should note that the count for the Parliamentary general election would take precedence over the Borough and parish counts. In line with other authorities, the Borough count would take place after the election day.
- 4.8 The Council would still be required to conduct an election for the final third of councillors under the previous scheme (by thirds) in 2015 (Section 24, 5, Localism Act 2011) if it were to resolve to conduct whole council elections in 2016, 2018 or 2019.
- 4.9 Should the Council resolve to conduct whole council elections in **2016**, it would join less than ten district councils conducting whole council elections on that day. Borough and two parish elections would be combined with the election of the Police and Crime Commissioner.
- 4.10 The Council may **not** resolve to conduct whole council elections in **2017**. 2017 and every fourth year thereafter is a County Council election year in accordance with the cycle set by the Local Government Act 1972. The Local Government and Public Involvement in Health Act 2007 and the Localism Act 2011 preserve that cycle.
- 4.11 Should the Council resolve to conduct whole council elections in **2018**, there would currently be no district councils conducting whole council elections on that day.

⁴ Southend and Thurrock are unitary councils.

⁵ The Brentwood and Ongar Parliamentary constituency includes the electoral area of Ongar from Epping Forest District Council consisting of an additional 16 polling stations and 16,000 electors.

- 4.12 Should the Council resolve to conduct whole council elections in **2019**, then it would join the majority of district councils conducting whole council elections on that day. Borough and parish elections in 2019 would be combined with elections to the European Parliament.
- 4.13 If the Council resolves to change to whole council elections, it will be unable to pass another resolution to change the scheme before the end of five years beginning with the day on which the earlier resolution was passed.

Turnout

- 4.14 Turnout data for Essex districts is provided below. Whole council elections last took place in 2007 and 2011. Turnout for those councils electing by thirds in those years is also shown for comparison. 2011 also included the alternative vote referendum.⁶

Council	2007 Turnout	2011 Turnout	Whole or Thirds
Basildon	30.0	34.8	Thirds
Braintree	37.0	42.8	Whole
Brentwood	38.9	46.1	Thirds
Castle Point	32.5	41.0	Thirds
Chelmsford	35.9	44.3	Whole
Colchester	34.7	41.6	Thirds
Epping Forest	34.4	39.1	Thirds
Harlow	33.5	37.0	Thirds
Maldon	25.3	44.2	Whole
Rochford	31.6	40.8	Thirds
Tendring	37.9	43.7	Whole
Uttlesford	-	48.8	Whole

Impact on Parish Councils

- 4.15 Section 53 of the Local Government and Public Involvement in Health Act 2007 provides for Brentwood Borough Council to make an Order to change the year of parish elections to coincide with the date of whole council elections for the Borough Council. The Order would make transitional provision for the retirement of parish councillors.
- 4.16 The cost of parish council elections is met by parish councils.

⁶ The potential impact of *Individual Electoral Registration* on turnout is not known.

- 4.17 There are nine parish councils in the Borough of Brentwood. Parish Council elections coincide with the Borough election for the ward in which the parish council is located. Elections to parish councils are scheduled every four years but will only take place if the number of candidates nominated in each parish is not greater than the number of vacant seats. The current schedule is shown below.

2015	2016
Herongate and Ingrave	Blackmore, Hook End and Wyatts Green
Ingatestone and Fryerning	Doddinghurst
Kelvedon Hatch	
Mountnessing	
Navestock	
Stondon Massey	
West Horndon	

Impact on the number of councillors in each ward

- 4.18 Annual Council 2013 resolved unanimously to request the Local Government Boundary Commission for England (LGBCE) to review the number of members at Brentwood Borough Council.
- 4.19 The LGBCE *may* conduct a review at the request of the council should it resolve to elect the whole council every four years *and* has expressed a desire to move to a uniform pattern of single member wards across the authority. In conducting any such review, the LGBCE would be required to have regard to the desirability of securing single member wards. The LGBCE *must* take account of its statutory requirement to achieve good levels of electoral equality, reflect community identities and interests and provide for convenient and effective local government.
- 4.20 If Council resolves to conduct whole council elections in 2015, the existing multi member wards would remain for that election. Council instruction would be sought on the desirability of single member wards post the 2015 election. Similarly, if Council were to resolve to conduct whole council elections from 2016, a further report to Council would be required to consider an approach to the LGBCE.

5. Reasons for Recommendation

- 5.1 That Council considers the results of the public consultation and decides whether to change its electoral scheme from election by thirds to whole council elections.

6. Consultation

- 6.1 The Local Government and Public Involvement in Health Act 2007 does not stipulate how the Council must consult on changes to its electoral cycle. The Act states that the Council need to have 'taken reasonable steps to consult on the change' and that 'it is for the council to decide which persons it is appropriate to consult'. No minimum or maximum timescale for consultation is described.

Indicative level of response

- 6.2 A sample of the number of responses to consultation elsewhere on whole council elections is tabulated below. The outcome of Brentwood's consultation will be published on 10 December 2014.

Council	Year of consultation	Number of responses	Percentage of consultation respondents favouring change	Change?
Brentwood	2014	<i>For publication on 10 December 2014</i>		
Hertsmere	2014	77	49.4%	Yes
Broxbourne	2014	628	66%	No
Stroud	2014	39	75%	Yes
Winchester	2013	161	47.7%	No
Bristol	2012	797	78%	Yes
Swale	2011	311	52%	No
Purbeck	2010	105	70.5%	No
Amber Valley	2010	25	28%	No
Barrow	2009	43	74.4%	Yes
Waveney	2009	52	69.2%	Yes

Consultation

- 6.3 The consultation method for Brentwood was the creation of a web based consultation form using existing skills and resources. The consultation period was six weeks. Interested parties were contacted by letter. Posters were placed around the town centre and in libraries. The consultation was promoted on social media and in the local press including the Brentwood Gazette, Brentwood Weekly News and PhoenixFM. Paper copies were made available in reception at the Town Hall and on request.
- 6.4 A full table of consultation responses will be published on 10 December 2014, after the close of the consultation period at 5pm on 8 December 2014.

7. References to Corporate Plan

- 7.1 *A Modern Council* - the trend amongst Councils is to move away from elections by thirds to whole council elections as part of improving governance arrangements.

8. Implications

Financial Implications

Name & Title: Jo-Anne Ireland, Acting Chief Executive and S151 Officer

Tel & Email 01277 312712 / jo-anne.ireland@brentwood.gov.uk

- 8.1 The typical cost to the Council of a *shared* election is £69,000; the cost of a *sole* Borough Council election is £95,000. Whole council elections offer a potential saving of between £138,000 and £195,000 over a four year cycle depending on the number of other elections during that period.

Legal Implications

Name & Title: Christopher Potter, Monitoring Officer and Head of Support Services

Tel & Email 01277 312860 / christopher.potter@brentwood.gov.uk

- 8.2 This report complies with the requirements of the legislation relevant to whole council elections.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

- 8.3 Paper copies of the consultation were made available to those requesting such.

9. Background Papers (include their location and identify whether any are exempt or protected by copyright)

- The Electoral Commission *The cycle of local government elections in England*, January 2004
- Agenda and Minutes of the Finance and Resources Committee, 30 June 2014
- Minutes of Annual Council 2013
- Whole council elections reports from Hertsmere, Stroud and Tunbridge Wells.
- Agenda and minutes of Ordinary Council 22 October 2014.

10. Appendices to this report

- Appendix A – Results of the whole council elections consultation will be published on 10 December 2014.

Report Author Contact Details:

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Members Interests

Members of the Council must declare any pecuniary or non-pecuniary interests and the nature of the interest at the beginning of an agenda item and that, on declaring a pecuniary interest, they are required to leave the Chamber.

- **What are pecuniary interests?**

A person's pecuniary interests are their business interests (for example their employment trade, profession, contracts, or any company with which they are associated) and wider financial interests they might have (for example trust funds, investments, and asset including land and property).

- **Do I have any disclosable pecuniary interests?**

You have a disclosable pecuniary interest if you, your spouse or civil partner, or a person you are living with as a spouse or civil partner have a disclosable pecuniary interest set out in the Council's Members' Code of Conduct.

- **What does having a disclosable pecuniary interest stop me doing?**

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not :

- participate in any discussion of the business at the meeting, or if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business or,
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

- **Other Pecuniary Interests**

Other Pecuniary Interests are also set out in the Members' Code of Conduct and apply only to you as a Member.

If you have an Other Pecuniary Interest in an item of business on the agenda then you must disclose that interest and withdraw from the room while that business is being considered

- **Non-Pecuniary Interests**

Non –pecuniary interests are set out in the Council's Code of Conduct and apply to you as a Member and also to relevant persons where the decision might reasonably be regarded as affecting their wellbeing.

A 'relevant person' is your spouse or civil partner, or a person you are living with as a spouse or civil partner

If you have a non-pecuniary interest in any business of the Authority and you are present at a meeting of the Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on your Register of Interests or for which you have made a pending notification.

Extraordinary Council Terms of Reference

Business at extraordinary meetings of the Council shall be restricted to the following:

- (a) to appoint a Member to preside at the meeting if neither the Mayor nor the Deputy Mayor are present and able to preside;
- (b) to receive apologies for absence from Members;
- (c) to receive any declarations of interest from Members and Officers;
- (d) to consider any business set out in the notice convening the meeting;
- (e) to consider any matter which, by reason of special circumstances to be specified in the minutes of the meeting, the Mayor considers should be considered at the meeting as a matter of urgency.

No other business will be transacted.

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