

10 July 2019

Policy, Resources and Economic Development

Whole Council Elections

Report of: *Steve Summers, Interim Chief Executive*

Wards Affected: *All*

This report is: *Public*

1. Executive Summary

1.1 This report advises the Committee of the Council's 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 combined election is £60,000; the cost of a single Borough Council election is £90,000. Whole council elections offer a potential saving of between £138,000 and £180,000 over a four year cycle, however the Local Authority may not realise all of this. A whole council election scheme would provide a four year mandate, allowing the Council to adopt a strategic approach to policy and decision making in line with its medium term financial plan. 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) If an Ordinary Council is not available then 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. The Localism Act 2011 states:
' a district (Borough) election for which there is a county council may not hold an election in a county-council elections year'

1.3 This report seeks Members views.

2. Recommendation(s):

2.1 The Committee considers the content of this report (and any next steps).

¹ Boundary changes in 2002 required whole council elections for Brentwood

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.
- 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 election scheme for the Borough is a matter reserved for Council to decide. 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

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.

However, due to Local Authorities individuality and lack of commitment from central Government, these recommendations are still to be discussed or implemented.

4.2 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 plan
The risk of electing a complete change of Councillors with no experience is mitigated	Allows for a complete change in Councillors
Allows 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	
Residents are accustomed to electing Borough councillors 3 years out of 4	The County Council has whole council elections every four years

² An abstention is not a vote

³ 24.66

The majority of District Councils in Essex elect by thirds (7 of 12)	
	Parliamentary -elections held every 5 years
	The Police and Crime Commissioner is elected for a 4 year term
More opportunities for people to stand for election	
More opportunities to vote for electors	
	Over a 4 year cycle whole council elections could save £138,000 - £180,000 than election by thirds. The Borough Council may not realise all of this saving.
More opportunity for electors to pass judgement on achievements through the democratic process	Reduces the pressure on the Electoral Services Team with the increase of combined and snap Parliamentary elections and referendums
	Efficiencies within departments

- 4.3 Should the Council, having taken reasonable steps to consult, resolve to change its electoral cycle to whole council elections, it must specify the year in which whole council elections would take place.
- 4.4 Further work would be required to understand the implications of determining which year whole council elections would take place in terms of practicalities, turnout and current arrangements.
- 4.5 All sitting councillors will retire and have a reduced elected term of office when implementing a resolution for whole council elections and change to the electoral cycle.
- 4.6 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.

Impact on Parish Councils

- 4.7 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.
- 4.8 The cost of parish council elections are met by parish councils.

- 4.9 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.

5 Reasons for Recommendation

- 5.1 That the Council considers whole council elections for Brentwood Borough Council.

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.
- 6.2 A simple majority of Councillors at Ordinary Council would be required to resolve to consult on whole council elections. There is no requirement to seek a two thirds majority for the purposes of resolving whether to consult.

7 Implications

Financial Implications

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- 7.1 The cost of consultation would be met within existing Council resources.
- 7.2 The typical cost of a combined election is £60,000; the cost of a single Borough Council election is £90,000. Whole council elections offer a potential saving of between £138,000 and £180,000 over a four year cycle depending on the number of other elections during that period, but this saving may not be fully realised by the Council.
- 7.3 At this point in time, Officer's can not place assurance on the total savings that could be made to the Borough Council alone by moving to Whole Elections. Further investigation and risk analysis will need to be undertaken to fully understand the financial impact to the Borough Council as well as to Government.
- 7.4 Depending on the type of election, the Election department receives funding from Government to cover the costs of the election. Currently the Council makes Election Advances to cover these Elections to help with their cash flow as they are managed by separate bank accounts.

- 7.5 Efficiencies could be made across the Council, such as administration, resources and stability for agenda delivery across departments.

Legal Implications

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- 7.6 The Council has powers within existing legislation to move to whole Council elections. If the Council wishes to move from 'elections by thirds' to whole Council elections, the Local Government and Public Involvement in Health Act 2007 (as amended) provides that it must take the following steps:
- 7.7 Consult such persons as it thinks appropriate on the proposed change;
Convene a special meeting of Council to consider the proposed change;
Pass a resolution to change by a two thirds majority of those voting;
Ensure that the year for the first ordinary whole Council election is specified in the resolution. This cannot be the same year as whole Council elections for the County Council.
- 7.8 Publish an explanatory document on the decision and make this available for public inspection, and give notice to the Electoral Commission.

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

- 7.9 None at this stage.

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

- 8.1 The Electoral Commission *The cycle of local government elections in England*, January 2004.

9 Appendices to this report

None

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