

22 October 2014

Ordinary Council

Whole Council Elections

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 initiates step a) above and facilitates step b).

2. Recommendation(s) That:

2.1 Council resolves to consult interested parties on whole council elections for Brentwood Borough Council; and

2.2 An extraordinary meeting of Council be convened on 10 December 2014, at the rising of Ordinary Council.

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. 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 The election scheme for the Borough is a matter reserved for Council to decide. An Extraordinary Council, with due notice being given, would be convened 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

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 |
| 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 majority of District Councils in Essex elect by thirds (7 of 12) | |
| | Parliament and the European Parliament hold whole parliament elections every 5 years |
| | The County Council has whole council elections every four 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 | |
| | 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, 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.

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.

- 4.7 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.

- 4.8 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.

- 4.9 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.

- 4.10 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.

- 4.11 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.
- 4.12 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

- 4.13 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

- 4.14 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.
- 4.15 The cost of parish council elections are met by parish councils.
- 4.16 There are nine parish councils in the Borough of Brentwood. Parish Council elections coincide with the Borough election for the ward in which

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

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 overleaf.

| 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

- 4.17 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.
- 4.18 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.
- 4.19 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 the Council considers consulting interested parties on 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.

Indicative level of response

- 6.3 A sample of the number of responses to consultation elsewhere on whole council elections is tabulated below.

| Council | Year of consultation | Number of responses |
|----------------|-----------------------------|----------------------------|
| Hertsmere | 2014 | 77 |
| Stroud | 2014 | 39 |
| Swale | 2011 | 311 |
| Purbeck | 2010 | 105 |
| Barrow | 2009 | 86 |
| Amber Valley | 2009 | 30 |

- 6.4 Acknowledging best practice elsewhere, the desirable consultation method for Brentwood would be the creation of a web based survey using existing skills and resources. The proposed consultation period is six weeks. It is for Council to decide by simple majority to proceed to formal consultation. For clarity, the preliminary stage that has shaped this report is also shown.

Consultation

- 6.5 The Deputy Leader of the Council will lead the consultative stage. All Group Leaders will be invited to the consultative sessions as outlined.

| Consultee | Method | Timing |
|---|--|----------------------|
| <i>Preliminary stage</i> | | |
| Finance and Resources Committee | Report to Committee | 30 June 2014 |
| Other councils, the electoral commission and the Local Government Boundary Commission for England | Officer discussions and desktop research | July and August 2014 |
| Officer/Lead Member discussions | Informal, at monthly Accord Chairs and Vice Chairs and at Shadow Chairs meetings | July and August 2014 |
| Group Leaders | Discussion led by the Deputy Leader of the Council | September 2014 |

| Consultee | Method | Timing |
|--|---|-----------------|
| <i>Consultative stage</i> | | |
| Agreement of Ordinary Council by simple majority to proceed with formal consultation | By report to Ordinary Council | 22 October 2014 |
| Residents | Press release and weekly social media engagement through Twitter (4000 interested parties) and Facebook | 23 October 2014 |
| Interested Parties | Posters on Council notice boards, in libraries and other suitable places | 23 October 2014 |
| Parish Councils | Individual meetings with Parish Chairs, posters for parish notice boards. | November 2014 |
| Member of Parliament | By letter | November 2014 |
| Essex County Council | By letter to Leader | November 2014 |
| Neighbouring Councils | By letter to Leaders | November 2014 |
| Political parties active in Brentwood but not represented on Brentwood Borough Council | As appropriate | November 2014 |
| Brentwood Chamber of Commerce | By offering a presentation at a scheduled meeting during consultation period | November 2014 |
| Federation of Small | By offering a presentation | November 2014 |

Close of consultation, 5pm 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 cost of consultation would be met within existing Council resources.
- 8.2 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

- 8.3 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.

- 8.4 Paper copies of the consultation would be 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.

10. Appendices to this report

- Appendix A – Proposed Elections Consultation Poster
- Appendix B – Proposed Elections Consultation Form

Report Author Contact Details:

Name: Ben Bix, Corporate and Democratic Services Manager

Telephone: 01277 312550

E-mail: ben.bix@brentwood.gov.uk