

Report Title: Proposed Changes to Electoral Arrangements

Submitted by: Chief Executive

Portfolio: Communications, Policy and Partnerships
Finance and Resources

Ward(s) affected: All Wards

1. Purpose of the Report

1.1 To inform Members of the outcome of the consultation regarding changes to the election cycle for Newcastle under Lyme Borough Council arising from the resolution made by the Council at its meeting on 16 April 2014. To advise Members of information which has been provided by The Local Government Boundary Commission for England regarding the potential inter-relationship between the election cycle and the council size and pattern of wards.

2. Recommendations

- a) That the council notes the content of the report including the outcome of the consultation on the proposal for change to the election cycle for Newcastle under Lyme Borough Council and the information received from The Local Government Boundary Commission for England regarding the potential inter-relationship between the election cycle, the council size and pattern of wards
- b) To resolve to establish a Governance Sub-Committee for a time limited period from 1 December 2014 and 30 September 2015 with a remit to consider the future governance arrangements of the council. That the Sub-Committee consist of 7 Members, 5 of whom shall be Members of the Council with full voting rights and 2 shall be independent with no voting rights. The Sub-Committee will follow the Council's political proportionality rules. The terms of reference for the Sub-Committee shall be as set out in Appendix A of this report.

3. Background

3.1 At its meeting on 16 April 2014 the Council resolved to undertake a consultation on proposals to change the election cycle from thirds to whole council elections. It was agreed that the consultation should run from the start of July 2014 until the end of August 2014. It was agreed that a report of the consultation be brought back to a special meeting of the Council in October 2014.

3.2 Since the report to Council in April in addition to undertaking the consultation, officers have had the opportunity for a more detailed consideration of the proposal to move to whole council elections. This has included discussions with a number of relevant national bodies such as the Local Government Association (LGA) and other councils who have made this change or are in the process of doing so.

3.3 At the Local Government Association conference in July 2014 The Local Government Boundary Commission for England presented a workshop on the matter of electoral changes. This workshop featured case studies by authorities which had been through the process as well as by the Chair and staff of the Commission. Following that seminar the Chief Executive contacted the Local Government Boundary Commission to discuss the proposals which had been agreed by the Council in April. Whilst the Commission itself does not have a view about the merits of one electoral cycle over another and indeed

responsibility for matters concerning the electoral cycle lie with the Electoral Commission, due to changes to legislation made since the Local Government and Public Involvement in Health Act 2007, which gives powers for councils to change their electoral cycle, there is a relationship between this electoral cycle, the council size and pattern of wards.

3.4 An offer was made by the Chair of the Commission to meet with the Group Leaders of Newcastle Borough Council to discuss the proposals being considered and to assess the potential impact of changing the electoral cycle upon the council size and pattern of wards. Unfortunately, due to the availability of the Chair of the Commission it was not possible for that meeting to take place before the Special Meeting which had been scheduled for 29 October to consider the outcome of the consultation about the electoral cycle. The Chief Executive advised that it would be prudent for Members to have the information from the Boundary Commission before making a decision about the electoral cycle and the Group Leaders therefore agreed to request a postponement of the Special Meeting which was agreed by the Mayor.

4. Results of the consultation

4.1 The consultation on proposals to change the election cycle from thirds to whole council elections took place between the beginning of July and the end of August 2014.

Details of the consultation process

1. An online consultation form was designed in partnership with the Communications team and the consultation advertised on the Borough Council website banner from the beginning of July until the end of August 2014.
2. An article was placed in the Reporter Magazine with a free post return slip.
3. Leaflets and posters were distributed to the following locations:

All Parish Councils
Businesses in Kidsgrove
The guildhall
Civic Offices
Newcastle Library
Newcastle Museum and Art Gallery
Kidsgrove Library
Loggerheads Library
Kidsgrove customer Services
Kidsgrove Leisure Centre
Jubilee 2
All community centres in the Borough
The Madeley Centre

And at the following events:

Town and Parish Council Forum
Farmers Markets
Included in all members Friday post

Total number of responses:

Online: 101
From the Reporter: 32

Other: 1

Analysis of responses:

Question 1

Please indicate whether you think Newcastle under Lyme Borough Council should change to whole council elections starting in May 2015 and every fourth year after that.

Responses:

YES: 48
NO: 78
OTHER: 7

Question 2 (online only)

Do you believe that moving to whole council elections would help to increase the turnout at local elections?

Responses:

YES: 31
NO: 63
OTHER: 7

Conclusion of findings

The majority of the responses (59%) were not in agreement with a move to whole council elections or that whole council elections would help to increase turnout (only 38% agreed with this).

Other comments received included:

- a) Support for a move to all out elections but not until after the general election in 2015 – not enough time to inform electors.
- b) That all out elections could lead to political inertia and reluctance to make changes or decisions in the run up to an election.
- c) Any move to whole council elections should coincide with an electoral review based on the principle of single member wards.
- d) Move to whole council elections is a retrograde step that will diminish democracy.
- e) If the issue is saving money then reduce the number of councillors.
- f) Elect half of the Council in alternate years to avoid a large amount of new inexperienced members.

5. Advice of the Local Government Boundary Commission

5.1 The meeting with the Chair and senior representatives of the Local Government Boundary Commission for England was held on 13 November. At that meeting the Chair of the Boundary Commission described the circumstances under which the Commission will carry out a review of council size and the pattern of wards. A council can request such a review if the council changes its electoral cycle. It can also request a review if it decides to change the number of councillors it wishes to form the council. Either of these two reviews is at the specific request of the council. The Boundary Commission itself will initiate a review where the local authority area has high levels of electoral inequality. This is where more

than 30% of the council's wards have an elector imbalance of more than 10% for the average ratio for that authority or where one or more wards has an electoral imbalance of more than 30%. Newcastle Borough Council does not currently have an imbalance which would trigger a Commission initiated review but this position is kept under review and could change in the future.

5.2 Should the Council decide to retain election by thirds this would have no immediate impact on the size of council or pattern of wards. However, should the area move into an electoral imbalance and trigger a Commission initiated review the Commission would start from the premise of creating a uniform pattern of three member wards. This is because the Commission works to a principle that for councils which have elections by thirds every elector should have the same opportunity to vote whenever local elections take place.

5.3 Should the Council decide to move to all out elections, again there would be no immediate impact on the size of council or pattern of wards. However, should the area move into an electoral imbalance and trigger a Commission initiated review the Commission would consider a mixed pattern of wards which could have 1, 2 or 3 Members. The Council could itself initiate a review by making a request to the Boundary Commission as a result of changing the electoral cycle.

5.4 In the debate which took place at the Council on 16 April 2014 a number of Members raised the issue about council size. Where a council wishes to change its size this can be done by inviting the Boundary Commission to undertake a review. The Boundary Commission recommend that it is best practice for a council to have considered this matter before requesting a review. In particular it should have considered the workload of councillors. This would take account of a range of factors including; the decision making model use by the council, the work of statutory and regulatory committees, duties on outside bodies and casework. The Boundary Commission will only undertake such a review where it considers that the cost of undertaking the review represents value for money for the taxpayer.

5.5 At the meeting the potential impact of Individual Elector Registration (IER), particularly in relation to the student population in the Borough and notably of Keele University students was considered. Whilst it is not possible to predict what may occur, it was noted that under certain circumstances this could create an electoral imbalance which could trigger a Commission initiated review.

5.6 The meeting concluded by considering the potential timetable for an electoral (council size and pattern of ward) review. The Commission Chair noted that under the range of scenarios considered, the most likely timetable for a review could start as early as August 2015, but could be later and whatever the start date would be likely to be implemented at the local elections in May 2018. The reason for the implementation date most likely to be May 2018 is that under the present legislation a district cannot have an election in the same year as a county council. The next county council elections are in May 2017 therefore making implementation for the Borough to be most likely in 2018.

5.7 The Local Government Boundary Commission for England has produced an introductory guide to electoral reviews and this is included in Appendix B of this report.

6. Reviewing the Council's governance arrangements

6.1 In light of the advice which has been received and of the results and feedback from the consultation which has been undertaken on the proposed change to the electoral cycle it is recommended that the Council gives consideration to establishing a Sub-Committee working on a task and complete basis to review the council's governance arrangements.

Such a review would consider:

- The future pattern of elections in the Borough
- The size of council most appropriate to the future needs of the Borough
- The pattern of wards most suited to the geographical distribution of population

6.2 The Sub-Committee would be established for the period from 1 December 2014 to 30 September 2015 with a remit to consider the future governance arrangements of the Council. The Sub-Committee would be required to make initial recommendations to the Council at its meeting in April 2015.

6.3 The terms of reference for the Sub-Committee would be as set out in Appendix A of this report and the Sub-Committee would operate under the procedure rules for Sub-Committees as set out in Appendix 9 of the Council's Constitution. The Sub-Committee would follow the Council's political proportionality rules.

It is recommended that the Sub-Committee be comprised on 7 members as follows:

- 5 drawn from Members of the Council who would have full voting rights
- 2 independent members one selected for their experience of local government matters and from outside the area and one drawn for their experience of the Borough of Newcastle. The independent members would be expected to play a full part in the working of the Sub-Committee and contributing to its discussions and any report made. Neither of these independent members would have voting rights, however, they would have the ability to make comments independently and for these to be reported in full as part of any report made by the Sub-Committee.

7. Options considered

Option A – that the Council makes a decision at this meeting regarding changes to the election cycle for Newcastle under Lyme Borough Council (Not recommended)

Option B – that the Council defers a decision on this matter and establishes a Sub-Committee to review the council's governance arrangements to make a full report to the Council on this matter (Recommended)

8. Proposal

8.1 That the Council establishes a Sub-Committee to review the council's governance arrangements and makes a full report to the Council on this matter.

8.2 That the Sub-Committee be established for a time limited period from 1 December 2014 and 30 September 2015

8.3 That the Sub-Committee consist of 7 Members, 5 of whom shall be Members of the Council with full voting rights and 2 shall be independent with no voting rights. The terms of reference for the Sub-Committee shall be as set out in Appendix A of the report.

9. Reasons for the Preferred Solution

9.1 The preferred solution gives Members of the Council an opportunity to take a more considered look at the governance issues of the council. That this process provides an opportunity for the matter of the election cycle to be considered alongside that of the size of council and pattern of wards. That the proposed timescale still gives Members the opportunity to implement any changes in a timely manner.

9.2 The establishment of the working group from 1 December 2014 will also enable the Council to be prepared should the impact of Individual Electoral Registration trigger an automatic review by the Boundary Commission following publication of the new Electoral Register on 1 December 2014.

10. Legal and Statutory Implications

10.1 The Local Government and Public Involvement in Health Act 2007, states that a district council currently subject to election by thirds or halves may resolve to change to whole council elections under section 34 of the Act. Under the same Act, the Council may not resolve to move from election by thirds to election by halves.

10.2 Section 24 of the Localism Act 2011 amends the timetable for changing English district Councils' electoral scheme, enabling a Council to choose when their electoral cycle can change and removes the provisions which state that Councils may pass resolutions to change their electoral schemes only in certain permitted periods.

The Local Democracy, Economic Development & Construction Act 2009 provides details regarding requests by the Local Authority for a review for single revised electoral areas.

11. Financial and Resource Implications

	Elections By Thirds	Whole Council Elections
May 2015 No Change	Costs split with Parliamentary (parliamentary only covers 17 Wards) £100,000	Costs split with Parliamentary (parliamentary only covers 17 Wards) £100,000
May 2016 No Change	Split with PCC Elections £80,000	Split with PCC Elections £80,000
May 2017 No Change	County Council Elections All monies reimbursed	County Council Elections All monies reimbursed
May 2018	£160,000 Borough only Elections in 20 Wards	£170,000 – Whole Council elections
May 2019	Cost split with European Elections £80,000	European Elections All monies reimbursed
May 2020	Costs split with Parliamentary (parliamentary only covers 17 Wards) £100,000	Parliamentary Elections All monies reimbursed
TOTALS	£340,000	£170,000

Saving of approximately £170,000 over 3 years from 2018.

12. Background papers

The Local Government and Public Involvement in Health Act 2007

Localism Act 2011

Report to Council 16 April 2014 'Proposed Changes to Electoral Arrangements'

Appendix A

Governance Sub-Committee Terms of Reference

- a) To review and make recommendations about the cycle of elections
- b) To review and make recommendations about the number of councillors and size of council
- c) To consider whether the council should seek a review by the Local Government Boundary Commission for England of the pattern of wards in the Borough
- d) To make an interim report to Council on these matters no later than April 2015
- e) To undertake such consultation as the Council may direct or the Sub-Committee consider appropriate to evaluate public and other opinion on these matters
- f) To seek the advice of such experts as the Sub-Committee may determine appropriate to assist it in formulating its report
- g) To engage with Members of the Council who are not members of the Sub-Committee and seek their opinions to inform its report
- h) To seek the views of such other local bodies, which shall include but not be limited to Town and Parish Councils and Locality Action Partnerships, within the Borough before making its report
- i) Following its interim report the Sub-Committee may be tasked to undertake further work on this matter and at that time its terms of reference would be updated accordingly.
- j) The Council expects the independent members to play a full part in the working of the Sub-Committee and contributing to its discussions and any report made. However, the Council gives the right to the independent members to make comments independently of the other Members of the Sub-Committee and for these to be reported in full to any report made by the Sub-Committee to the Council.