

Whole Council Elections

For General Purposes Committee on Tuesday 21 September 2021

Summary

Lead Member: Cllr Barrington-King – Chairman of General Purposes Committee

Lead Director: Lee Colyer – Director of Finance, Policy and Development

Head of Service: Jane Clarke – Head of Policy and Governance

Report Author: Jane Clarke – Head of Policy and Governance

Classification: Public document (non-exempt)

Wards Affected: All

Approval Timetable	Date
General Purposes Committee	21 September 2021
Special Full Council	6 October 2021

Recommendations

The Officer recommendation is:

1. That the General Purposes Committee considers the results of the consultation (circulated separately), and the savings identified at appendix A, and refers the matter of Whole Council elections on to a specially convened meeting of Full Council on 6 October 2021.

1. Introduction and Background

- 1.1 The legislation governing the move to whole council (all out) elections is contained within the Local Government and Public Involvement in Health Act 2007 and the Localism Act 2011. The Acts give councils the power to decide whether to move to whole council elections, or back to elections by halves or elections by thirds (if they have elected this way at some point since 1 April 1974). The Council cannot move to a 'halves' electoral cycle as it has not elected this way in the past.
- 1.2 The legislation sets out the steps a Council must take when considering changing its electoral system. Should the Council pass a resolution to move to Whole Council elections, it cannot pass another resolution (i.e. to move back to a system of thirds) before the end of five years beginning with the day on which the resolution is passed.
- 1.3 The Council cannot pass a resolution on whole council elections unless:
 - It has taken reasonable steps to consult with such persons as it thinks appropriate on the proposed change.
 - It holds a meeting which is specially convened for the purpose of deciding the resolution.
 - The resolution is supported by a majority of at least two thirds of the members voting on it.
 - The resolution must specify the year for the first ordinary elections of the council at which all councillors are to be elected.
 - The whole council election year is not be a county-council-elections year.

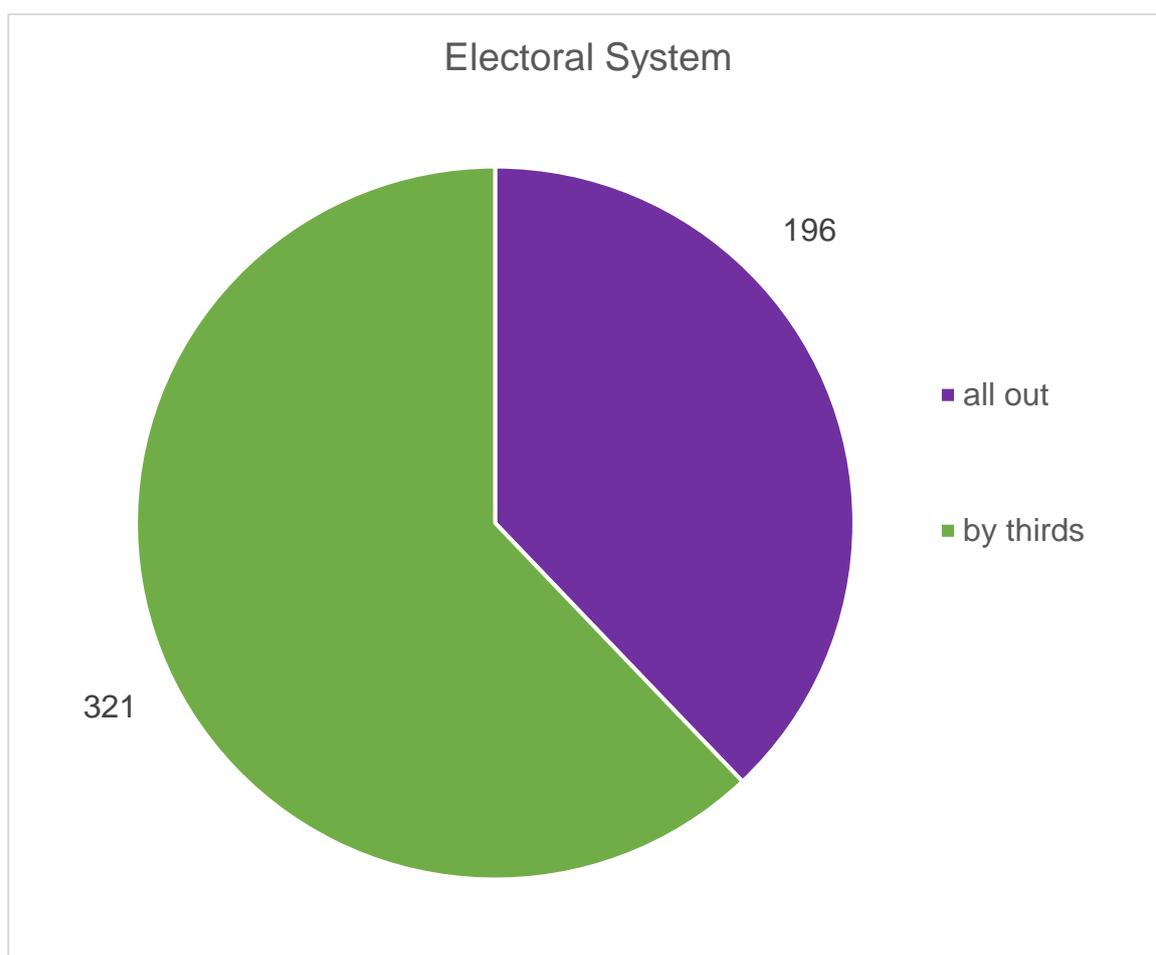
2. Consultation

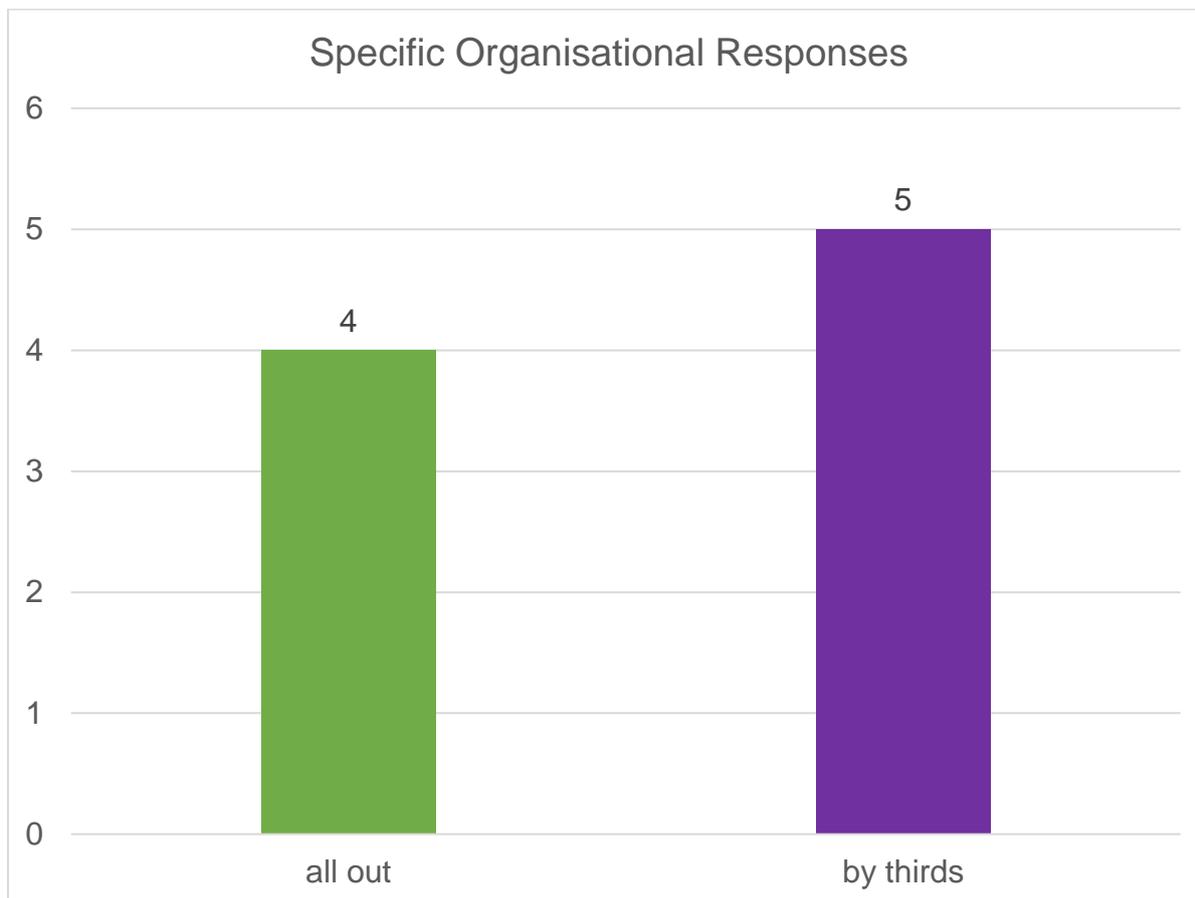
- 2.1 The Council ran a public consultation between Monday 26 July and Sunday 5 September, the results of which are summarised below.
- 2.2 There were 467 online responses, 48 paper responses from adverts placed in local newspapers, and two email responses. Some online responses were from Parish and Town Councillors who chose to respond individually rather than as an organisation. There were nine organisational responses; seven from Parish

Councils; one from the Royal Tunbridge Wells Town Forum; and one from the Royal Tunbridge Wells and Area Access Group.

2.3 In summary 321 online and paper responses chose to remain with the 'by thirds' electoral system and 196 chose to change to the 'all out' or whole council electoral system.

2.4 Of the organisational responses received, three Parish Councils (Bidborough, Frittenden and Horsmonden) chose changing to 'all out', whilst the remaining four (Capel, Cranbrook & Sissinghurst, Goudhurst and Sandhurst) chose to remain with 'by thirds'. The Royal Tunbridge Wells Town Forum chose 'all out', whilst the Royal Tunbridge Wells and Area Access Group chose 'by thirds'.





2.5 Nearly two-thirds of respondents chose to remain with the 'by thirds' electoral system. Whilst the reasons varied, a number of common themes emerge from the comments.

- Provides consistency and continuing, by retaining a mixture of 'new' and 'old' councillors.
- Ensures electors a greater ability to influence the make-up of the council on a regular basis, and so helping to avoid controversial decisions from being implemented without engaging the electorate first.
- Provides a better opportunity for smaller parties to break through as they do not need to field so many candidates in one go.
- Increases elector engagement with the council and its work (and ensures councillors are more engaged with the electorate).

2.6 Around a third of respondents chose an 'all out' electoral system as preferable. Again, reasons varied but with some common themes:

- Provides better stability by giving an in-coming administration a chance to design and deliver policies in the medium-term.
- Would be a more efficient way of holding elections, saving time and money.

- Is a simpler and clearer system for the electorate.
 - Avoids regular swings in politics caused by transitory 'of-the-moment' issues.
- 2.7 Some people commented through the consultation (regardless of which options they picked) that a proportional representation system, or that an election 'by halves' system would be preferable. Neither of these issues are something that the Council can act on however: voting in local government using a proportional representation system would be a National Government decision; and voting 'by halves' is not an option open to the Council for legal reasons contained in the Local Government and Public Involvement in Health Act 2007.

3. Costs and Savings

- 3.1 It is worth repeating that, as a Best Value authority, Members are required to consider the costs of services, and from time to time review those costs to ensure that the tax-payer is receiving best value for money.
- 3.2 Whole Council elections (all out) cost less to run than electing by thirds, in particular where those elections can be combined with other significant elections such as the Police and Crime Commissioner elections (as the costs for fixed entities such as polling stations, staff on polling stations, training etc., are shared).
- 3.3 An example of the savings that could be achieved over a four-year period is set out at **Appendix A**. This shows that over the four-year cycle from 2024 to 2027 the authority would save over £200,000 by not holding Borough elections in 2026 or 2027.

4. Next Steps

- 4.1 As outlined in section one, it must be a specially convened meeting of Full Council that passes a resolution to move to Whole Council elections, if that is the will of the Council. This specially convened meeting can be held immediately before the normal scheduled meeting of Full Council on 6 October 2021, with the latter being held 'on the rising of' the special meeting.
- 4.2 In running a public consultation, and inviting specific organisations to comment, the Council has discharged its duty to 'consult with such persons as it thinks appropriate on the proposed change'.

- 4.3 Members of the General Purposes Committee do not need to come to a view at their meeting (as it is likely that members will hold differing views and will want to debate the issues more fully at Full Council). The Committee can recommend the results of the public consultation to Full Council however and refer the results of the consultation on to Full Council for further consideration and final decision.

5. Appendices and Background Documents

Appendices:

- Appendix A: Savings moving to a whole council (all out) electoral system

Background Documents:

- Results of the public consultation (circulated separately to members)

6. Cross Cutting Issues

A. Legal (including the Human Rights Act)

The legislation governing the move to whole-council (all out) elections is the Local Government and Public Involvement in Health Act 2007 and the Localism Act 2011. The Acts give councils the power to decide whether to move to whole-council elections, or back to elections by halves or elections by thirds (if they have elected this way at some point since 1 April 1974). The Council cannot move to a 'halves' electoral cycle as it has not elected this way in the past.

The decision must be made by a special meeting of the Full Council with a two-thirds majority in favour of the recommendation to move to all out elections.

Patricia Narebor, Head of Legal, 13 September 2021

B. Finance and Other Resources

The move to all-out elections would save the avoid costs of two elections within a four-year cycle. An example of the savings that could be made in 2026 and 2027 is detailed in the report at section 3.

The Borough Council is a Best Value authority defined in the Local Government Act 1999. Best Value authorities are under a general Duty of Best Value to "make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

The consideration of moving to whole council elections by the General Purposes Committee, and consulting with the public and stakeholders on this issue fulfils this duty.

Jane Fineman, Head of Finance, Parking and Procurement, 13 September 2021

C. Staffing

Elections, referendums, Neighbourhood Planning referendums, Business Improvement District Polls and Parish Polls are organised, managed and run by the Electoral Services team within the Council. This team also administers the Register of Electoral and the annual canvass of electors. Reducing the number of Borough elections within the cycle would not significantly reduce the amount of work required to be done by the Electoral Services team, and so this report would not affect the internal resources of the Council in a substantial way.

D. Risk Management

There are no risk management issues as part of this report.

Jane Clarke, Head of Policy and Governance, 13 September 2021

E. Environment and Sustainability

There are no environment or sustainability issues to consider as part of this report.

Section 40, National Environment and Rural Communities Act 2006

40(1) Every public authority must, in exercising its functions have regard so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.

Section 85, Countryside and Rights of Way Act 2000

85(1) In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.

Jane Clarke, Head of Policy and Governance, 13 September 2021

F. Community Safety

There are no community safety issues to consider as part of this report.

Section 17, Crime and Disorder Act 1998

17(1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

Jane Clarke, Head of Policy and Governance, 13 September 2021

G. Equalities

The Electoral Commission report from 2002 references research which suggests that both younger age groups and those with an ethnicity other than white were less likely to know when local elections were taking place, and that moving to a nationwide pattern of all out elections would improve enfranchisement for these groups compared with those who do not share their characteristics.

The Council is under a duty to advance equality of opportunity between persons who share a relevant protected characteristic (in this case age and ethnicity) and persons who do not share it. Moving to all out elections may provide an opportunity for the Council to positively impact on the opportunities of these groups to participate and vote in elections.

Section 149, Equality Act 2010

149(1) A public authority must, in the exercise of its functions, have due regard to the need to –

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Jane Clarke, Head of Policy and Governance, 13 September 2021

H. Data Protection

A public consultation has been run by the Council, which includes personal data in the form of comments and opinions from data subjects. This information has been circulated separately to Councillors in order to assist them in their decision-making role.

Article 5, General Data Protection Regulation 2016

1. Personal data shall be:

(a) processed lawfully, fairly and in a transparent manner in relation to the data subject;

(b) collected for specific, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;

(c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;

(d) accurate and, where necessary, kept up to date;

(e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed;

(f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

Jane Clarke, Data Protection Officer, 13 September 2021

I. Health and Safety

There are no health and safety considerations as part of this report.

Jane Clarke, Head of Policy and Governance, 13 September 2021

J. Health and Wellbeing

There are no health and wellbeing considerations as part of this report.

- 1. Areas of deprivation: Will the proposal have an impact (positive or negative) on those living in areas of deprivation within the borough (40% most deprived in the country). These are Sherwood, Southborough and High Brooms, Broadwater and Rusthall.*
- 2. Healthier lifestyle opportunities: Will residents be more or less able to make healthier lifestyle choices such as physical activity (e.g. active travel, access to green spaces or access to leisure facilities), healthy eating (e.g. proximity or access to take away shops, allotments, food stores) and being smokefree*
- 3. Social and Community networks: Will the proposal make it easier for people to interact with one another e.g. encouraging community engagement*
- 4. Living and Working Conditions: does to proposal improve work or home environments, increase job, education or training opportunities, improve access to health services or housing*
- 5. General Socioeconomic, cultural and environmental conditions: Are there any other factors that may impact the above*

Jane Clarke, Head of Policy and Governance, 13 September 2021