

**2 February 2016**

**ITEM: 5**

## **Corporate Overview and Scrutiny Committee**

### **Review of Electoral Arrangements and Existing Boundaries**

**Wards and communities affected:**

All

**Key Decision:**

Key

**Report of:** David Lawson, Deputy Head of Legal Services and Monitoring Officer

**Accountable Head of Service:** Fiona Taylor, Head of Legal Services

**Accountable Director:** Lyn Carpenter, Chief Executive

**This report is public**

#### **Executive Summary**

This report advises of the ability of the council to change its electoral cycle and opt for whole-council elections, rather than by the current method of election by thirds.

Issues and options associated with moving to whole-council elections are set out within the report. The notional costs/savings of such a change have also been included, together with the relative advantages and disadvantages of each method of conducting elections.

The Committee is asked to consider the information provided and decide whether a change to the current electoral cycle should be recommended.

The report also provides information on local government boundary reviews.

#### **1. Recommendation(s)**

**1.1 Members are requested to consider whether to recommend a change to the electoral cycle of the council and move to whole-council elections every four years, rather than electing by thirds.**

**1.2 Officers were asked to provide an analysis on the current ward boundaries and confirm what Members are legally required to do in terms of a boundary review whereby Members will discuss and debate the information and make recommendations.**

#### **2. Introduction and Background**

- 2.1 The Corporate Overview and Scrutiny Committee reviewed the Election Arrangements in Thurrock at its meeting on 20 March 2014, where Committee Members resolved to inform and update their respective groups around the report and its contents and seek to progress debate on the issue in the new municipal year. Minutes of the meeting are attached at **Appendix 1** for information.
- 2.2 Subsequently, Councillor Hebb submitted a motion to Full Council on 22 October 2014 which read as follows and is attached at **Appendix 2**:
- “Thurrock is an area which is thirsty for regeneration, and needs political stability to attract investment. It therefore needs to demonstrate a more stable; consistent; lower-cost governance system.*
- Following a number of years of being in No Overall Control (NOC) Thurrock Council resolves to investigate and implement a move to a Four Yearly Election model”.*
- 2.3 Following debate at the meeting on 22 October 2014 the motion was lost, detailed at **Appendix 3** (minute number 67 refers). Since this time the matter has not been progressed further, however further information is set out for Members information and consideration.
- 2.4 Section 85 of the Local Government Act 2000 provides principal authorities with three options for holding local elections, as set out below:
- whole-council elections, where an election is held every four years and all councillors are to be elected
  - elections by halves, where an election is held every two years and half of the councillors are to be elected on each occasion
  - elections by thirds, where elections are held three years out of every four and one third of the councillors are to be elected on each occasion.
- 2.5 Thurrock Council currently elects by thirds and the Committee are therefore requested to consider whether to recommend a move towards whole-council elections every four years.
- 2.6 Prior to 2008, the process of changing the electoral cycle of a local authority involved seeking approval from the Secretary of State. The Local Government and Public Involvement in Health Act 2007 made it easier for principal authorities to change their electoral arrangements and gave councils the opportunity to decide this issue for themselves, subject to certain restrictions as to the years the whole-council election could be held.
- 2.7 Section 24 of the Localism Act 2011 has since amended the provisions in the 2007 Act and now allows councils that currently elect by thirds or halves to resolve, at anytime, to move to whole-council elections.

- 2.8 If the council wishes to move to whole-council elections under Section 32 of the 2007 Act, it must carry out the following actions in the order listed:
- Take reasonable steps to consult with such persons as it thinks appropriate on the proposed change;
  - Convene a special meeting of council;
  - Pass a resolution at that special meeting to change the electoral cycle by a two thirds majority of those voting. The council must pass the resolution before 31 December to allow all-out elections to be held in the following May (Section 34);
  - Publish an explanatory document on the decision and make this available for public inspection (Section 35); and
  - Give notice to the Electoral Commission that it has passed the resolution (Section 36).
- 2.9 When seeking to pass such a resolution, Section 24(3) of the Localism Act 2011 requires the council to specify the year in which it will hold its first election and elections will then be held every fourth year thereafter.
- 2.10 If the council were to seek to change its electoral cycle and move to whole-council elections, the earliest opportunity for these to be held will be in May 2017. In order to do this, the council must pass a resolution to do so before 31 December 2016.
- 2.11 The council may seek to change its electoral cycle at any time in the future and until such time as legislation is amended, must follow the steps set out in paragraph 2.8 above.

### **3. Issues, Options and Analysis of Options**

#### **Forthcoming elections in Thurrock**

- 3.1 The scheduled timetable of elections in Thurrock from 2016 to 2020 includes the following types of election:
- Local
  - Parliamentary
  - European Parliamentary
  - Police and Crime Commissioner
- 3.2 There will also be a Referendum called before the end of 2017. The current timetable of elections up to 2020 is set out below:

2016-17	2017-18	2018-19	2019-20	2020-21
Local	-	Local	Local	Local
-	-	-	-	General
-	-	-	European	-
PCC	-	-	-	PCC
Referendum before end 2017				

3.3 Should the cycle of local elections be changed to whole-council elections, for example from 2017, the number of local elections required to be held will be reduced by three (in 2018/19, 2019/20 and 2020/21). The timetable of elections in Thurrock will therefore be as follows:

2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
Local (by thirds)	Local (whole council)	-			Local (whole-council)
-	-	-	-	General	
Possible Referendum	Possible Referendum before end 2017	-	European	-	
PCC	-	-	-	PCC	

### Strengths and weaknesses of different electoral cycles

3.4 The primary strengths and weakness of the move to whole-council elections, rather than elections-by-thirds, are set out below.

Strengths:

- The council has a clear mandate for 4 years, allowing it to adopt a more strategic, long term approach to policy and decision making and focus less on yearly election campaigning. Indeed, Lord Heseltine's 2012 report on economic growth "No Stone Unturned in Pursuit of Growth" makes a strong recommendation for whole Council elections based on his views that 4 year term authorities are better placed to take long term strategic decisions;
- It avoids election fatigue and the results are simpler and more easily understood by the electorate. There would be a clear opportunity for the electorate to change the political composition of the council once every four years;

- Greater publicity of whole council elections may generate higher turnout. The Electoral Commission suggests that electorates associate more clearly with whole-council elections;
- It may appear to be cheaper for the council and political parties as well as less disruptive to public buildings used as polling stations excluding those years where there is a standalone, non local election; and
- Causes less disruption and ensures the council is working 12 months per annum not 10 in 3 out of every 4 years when an election is to be held

#### Weaknesses:

- Electors would lose the opportunity to influence and hold the Council to account on an annual basis;
- Smaller parties may find it harder to resource the “whole Council” elections process
- It may be harder for independent candidates standing on a matter of strong local interest to get elected without an annual poll
- Perceived lack of continuity if there are a lot of new Councillors at one election, although this has not been a problem in any councils operating the system;
- Higher potential for by-elections;
- Additional cost of consultation on any proposals to change the electoral cycle; and
- Additional cost of publicity on the new system and what this means for electors.
- Additional cost of whole council election in 2017/18 (unplanned for) and a whole council election in 2021/22 will not be part funded by a Parliamentary election
- Whole council elections in 2017/18 and 2021/22 will not be assisted by national publicity for Parliamentary elections and may not benefit from the higher local turnout at these elections.

3.5 The primary strengths and weakness of retaining elections-by-thirds are set out below.

#### Strengths:

- Avoids electing a complete change of councillors with no experience and allows continuity of councillors;
- More likely to be influenced by local rather than national politics, and this national influence will increase given the trend toward Parliamentary elections being held on the same day as local elections;
- Encourages people into the habit of voting, and voting for one person is well understood by voters. Voting for two or three councillors under whole-council elections could cause confusion;
- Allows judgement of a council annually rather than every four years and allows the electorate to react sooner to local circumstances, thereby providing more immediate political accountability;

- Regular booking of polling facilities and use of staff on election duties increases effectiveness of training and retention of polling facilities;
- Electors are familiar with an election every year and a change to whole-council elections is likely to cause confusion; and
- In 2 out of the 3 years the cost of the local election will be part funded by a Parliamentary election. In 2019/20 this will be a 50% cost for a local election. In 2020/21 this will be approximately 33% cost as there will be three elections scheduled.

#### Weaknesses:

- Current system encourages short-term thinking and lack of planning; and
- Costs of holding elections in three out of every four years. However, if whole elections were held in 2017 the local election costs will be funded in full by the local authority for 2017 and 2021 as there is no scheduled Parliamentary election.

### **The cost of running local elections**

3.6 Under the current system of electing by thirds, the cost of running a local election has been estimated as follows:

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|--|----------|
| • Local election, not combined with another election (see 2018 on the current timetable of elections)      | £200,000 |
| • Local election, combined with another election (see 2016 and 2019 on the current timetable of elections) | £120,000 |
| • Local election, combined with two other elections (see 2020 on the current timetable of elections)       | £100,000 |

3.7 The cost of running a whole-council local election has been estimated as follows:

- |  |          |
|--|----------|
| • Local election, not combined with another election (2017 and 2021 on the proposed revised timetable) | £230,000 |
|--|----------|

3.8 If the council moved to whole-council elections from May 2017, and every four years thereafter, the next scheduled local election would take place in 2021. It should be noted that the local elections would not be combined with the Parliamentary elections.

3.9 It has been estimated that, under the current system of electing by thirds, the cost of holding local elections in each applicable year from 2016 to 2021 will be in the region of £540,000.

<b>Cost</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>Estimate cost to 2020/21</b>
	Local	-	Local	Local	Local	
	-	-	-	-	General	
	-	-	-	European	-	
	PCC (Police Crime and Commissioner)	-	-	-	PCC	
<b>Cost to Local Authority</b>	<b>120,000</b>	<b>0</b>	<b>200,000</b>	<b>120,000</b>	<b>100,000</b>	<b>£540,000</b>
	Referendum before end 2017					

3.10 The estimated cost of holding local elections in the same time period under a whole-council system would be in the region of £350,000, an estimated saving of £190,000 as shown below:

<b>Cost</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>Estimate cost to 2020/21</b>
	Local (by thirds)	Local (whole council)	-			
	-	-	-	-	General	
	Possible Referendum	Possible Referendum before end 2017	-	European	-	
	PCC	-	-	-	PCC	
<b>Cost to Local Authority</b>	<b>120,000</b>	<b>230,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>£350,000</b>

### **By-elections (and associated costs)**

- 3.11 The term of office of a councillor is four years. A by-election is required when a vacancy on the council has to be filled between regularly scheduled elections.
- 3.12 The cost of holding a by-election to fill a single vacancy has been estimated in previous reports as between £10-12,000. The recent by election for West Thurrock & South Stifford in September 2015 cost approximately £13,000. A by election in a ward with temporary polling stations (for example The Homesteads) would be around £20,000.

	<b>West Thurrock &amp; South Stifford (2015)</b>
Staffing	£4,500
Buildings	£550
Postal voting	£950
Ballot papers & Postal Packs	£1,434
Poll cards & postage	£4,358
Miscellaneous	£1,000
<b>Total</b>	<b>£12,792</b>

#### **Implications of any change on the running and management of already scheduled elections**

- 3.13 The practical impact of organising separate elections on the same day needs to be considered carefully, particularly if the scale of the local election was to increase owing to a move to the full council being elected rather than a third of members of the authority.
- 3.14 The turnout figures for local elections are likely to be boosted by association with a high profile election. However, that association could obscure local issues for voters when casting their vote in the local elections. Whole council elections from 2017 would not schedule the local elections in line with a national election.
- 3.15 Considerable expertise and organisation will be required to ensure these crucial events are run well. The risk to the council's reputation is substantial, so the professionalism and experience of staff in producing a transparent and accurate result is crucial.
- 3.16 A change to the electoral cycle in 2017, or a year thereafter, is likely to have the following implications:
- There is a high risk of elector confusion, as they will be asked to vote for more than one candidate when this has not previously been the case in Thurrock. This could cause problems on the day of the election. However Thurrock has many new communities who may be familiar with this approach.

- Staff training will need to be reviewed and resources increased to ensure the nomination process is managed effectively with the increase in candidate numbers and a change to ballot papers with voting for more than one candidate.
- The cost of ballot papers will increase due to the increased number of candidates and potentially increase the number of ballot boxes required.
- The nomination process and timeframe will require additional staff resources to check and input nomination papers.
- Count venue costs and staffing costs may increase due to lengthened count process.
- There is a risk of rushing to implement any change in 2017. Electoral Services and electors are adjusting to Individual Elector Registration (IER). Consultation may need to be resourced corporately and is likely to involve additional costs.
- Retention of staff knowledge and training on local elections may be difficult to sustain with a four year cycle.
- Electors will not be expecting an election in 2017. Considerable publicity and resources will be required to highlight a change to the electoral cycle and voting process within Thurrock.

### **Implications of any change on the work of Electoral Services**

- 3.17 With the current cycle of elections, as shown in paragraph 3.2, Electoral Services will have one year where no elections are scheduled to be held, 2017-18. Any change to the cycle of elections is likely to have implications for the work of the team.
- 3.18 It is important to note that throughout the course of any given year, the team continue to undertake vital work to support both the electoral registration and election process. Those years where an election is not scheduled to be held provide an opportunity for statutory and other more time-consuming project work to be undertaken.
- 3.19 The types of work usually undertaken by the team are:

#### Statutory Annual Canvass:

- Canvass all households according to the current legislation. This is typically a 5 month project
- Publication of the revised register by 1 December each year

#### Compilation of the Register of Electors on behalf of the Electoral Registration Officer, including:

- Monthly updates by statutory dates
- Maximising registration – data mining, tracking and inviting new residents to register, including statutory requirement to follow up non responders and personally visit non responding electors

- Accuracy of register – reviewing existing electors following receipt of information and removing from register if required
- Maintaining the property register
- Provision of data to credit agencies and other persons permitted to receive the register by legislation
- Reporting on performance standards to the Electoral Commission

#### Project work:

- Review of processes in non election years
- Refresh of paperwork including storage of forms / scanned images
- Audit and refresh of election equipment
- Statutory Absent Vote Refresh. This is typically a 3 month project
- Statutory Polling Place and District Reviews. This is typically a 4 month project at a minimum. The next review must commence by October 2018.
- At any time there is the potential for By elections, Community Governance Reviews, Referendums and Council Tax referendums

- 3.20 A proactive approach is required by the Service throughout the year in order to maintain accurate and complete registers, ensuring as far as possible that all eligible persons are on the register and that all non eligible persons are removed. The Electoral Registration Officer has a duty to maintain an accurate register and the service undertakes activity throughout the year to identify people who are not registered individually and encourage them to register.
- 3.21 The Service implemented Individual Elector Registration (IER) in 2014 and carried out the first annual canvass under IER in 2015. 2015/16 will be the first 'normal' year of operation under IER. One implication of IER is the requirement to continuously data mine to identify electors who are not registered and send up to three reminders and personally canvass potential electors who do not respond to initial invitations.

#### **Transition to whole council elections**

- 3.22 If the council pass a resolution to move to whole-council elections, the term of office of all councillors will come to an end in May of that year, irrespective of the councillors' length of service at that time.
- 3.23 This will need to be explained to both serving councillors who have not served their full four year term of office, together with any candidates who wish to stand in a local election the year before a change to the electoral cycle comes into effect. This would therefore impact on the forthcoming local election in May 2016/17 and bring forward a local election in a year scheduled for no election (2017/18).

#### **Boundary Reviews**

- 3.24 The Local Government Boundary Commission for England (LGBCE) is responsible for conducting reviews for local government.
- 3.25 Electoral reviews are a review of electoral arrangements of local authority and may include the number of councillors, the names, number and boundaries of wards and electoral divisions and the number of councillors to be elected to each.
- 3.26 An electoral review is initiated primarily to improve electoral equality and to ensure that as far as is reasonable the ratio of electors to councillors in each electoral ward or division is the same.
- 3.27 The commission is responsible for putting any changes to electoral arrangements into effect and does this by making a Statutory Instrument or Order. The local authority then conducts local elections on the basis of the new arrangements set out in the order.
- 3.28 The electoral arrangements of every principal local authority in England must by law, be reviewed from time to time. These reviews are known as periodic electoral reviews (PERs). The Commission decide when there is a need to conduct a programme of such work. The last round of PERs commenced in 1996 and was completed in 2004. The Commission is not currently undertaking PERs but has a rolling programme of electoral reviews undertaken for a number of different reasons.
- 3.29 The Commission undertake electoral reviews when the electoral variances in representation across a local authority become notable. The criteria for initiating a review in those circumstances are as follows:
- more than 30% of a council's wards/divisions having an electoral imbalance of more than 10% from the average ratio for that authority; and/or
  - one or more wards/divisions with an electoral imbalance of more than 30% *and*
  - the imbalance is unlikely to be corrected by foreseeable changes to the electorate within a reasonable period.
- 3.30 To put this in to context within Thurrock, the Electoral Services Manager has provided an analysis of variances across the borough based on electorate figures in 2015. The officer is not aware of the calculations used by the Commission; the figures and calculations used are one possible way to provide an analysis for debate and to put any request for a review in perspective.
- 3.31 For the purposes of this analysis, the 20 wards have been split into two and three member wards. The average number of electors per councillor was calculated based on whether the ward had two or three members. It was then possible to see how many electors were served by one member and what the variance was against the average variance. These calculations are shown in Appendix 4.

- 3.32 The analysis provided that three of 20 wards had an average variance more than 10%. Three wards were more than the average whilst one ward (Tilbury St Chads) was under the average ratio.
- 3.33 The commission states that to initiate a review, more than 30% of a council's wards should have an electoral imbalance of more than 10% from the average ratio for that authority. By following this analysis the imbalance is only 15%. This does not appear to meet the criteria outlined by the commission.
- 3.34 The other criteria for initiating a review is that one or more wards has an electoral imbalance of more than 30%. The largest (negative) imbalance is within the ward of Chafford and North Stifford. However, this ward is still below the 30% threshold by approximately 373 electors per member.
- 3.35 There is no upper limit in legislation regarding the number of councillors that may be returned from each ward or division. However the Commission's view is that wards or divisions returning more than three councillors results in a dilution of accountability to the electorate and they will not normally recommend a number above that figure. There are currently no principal authority wards or divisions in England returning more than three councillors.
- 3.36 Members have requested information relating to the current boundaries for Thurrock and for officers to recommend changes. Although this would be the remit of the Commission some context and statistics have been provided. Appendix 5 outlines a draft timeline and actions provided by the Commission. However, the analysis provided in Appendix 4 suggests that the criteria for requesting the Commission to carry out a review would not be met.

#### **4. Reasons for Recommendation**

- 4.1 At the request of the Chair of the Corporate Overview and Scrutiny Committee, the report sets out the options to change the model of local government elections cycle in Thurrock and information on local government boundary reviews.
- 4.2 The Committee are requested to consider making a recommendation whether to progress the change the electoral cycle of the authority and so enable the council to take a decision and
- 4.3 The Committee are requested to discuss and debate the information provided on the terms of a boundary review and make recommendations.

#### **5. Consultation (including Overview and Scrutiny, if applicable)**

- 5.1 There has been no consultation undertaken in respect of this report.

5.2 Should the Committee decide to make a recommendation to move to whole-council elections, the council is required to take reasonable steps to consult with such persons as it thinks appropriate on the proposed change.

## **6. Impact on corporate policies, priorities, performance and community impact**

6.1 There is no impact at this stage. Any proposal to change the cycle of elections will be the subject of a report to the full council and, if approved, will also be subject to public consultation.

## **7. Implications**

### **7.1 Financial**

Implications verified by: **Jonathan Wilson**  
**Chief Accountant**

The cost of an election is met by the body or bodies whose representatives have been elected and therefore, any occasion where a local election is combined with another would see a reduction in costs to the council.

The costs associated with running an election and a by-election have been estimated and are set out in the report. Any move to whole council elections would generate an estimated saving of £190,000 over the next 4 years.

Any savings that may be associated with a proposal to change the cycle of elections would be dependent upon the year in which the new cycle was to commence, as this would determine when local elections may be combined with others and therefore see a reduction in costs.

### **7.2 Legal**

Implications verified by: **David Lawson**  
**Monitoring Officer and Deputy Head of Legal & Governance**

The legal implications associated with changing the electoral cycle of the Council are set out in the body of the report.

It may be observed that the financial impact is dependent on the combination of polls and thware election cycle of Parliamentary elections which are fixed in law. Whilst savings may be achieved there will be a budget impact initially if the electoral cycle is changed to whole council elections pursuant to any relevant governance change in this respect .

### **7.3 Diversity and Equality**

Implications verified by: **Natalie Warren**  
**Community Development and Equalities  
Manager**

Under the Equality Act 2010, Section 149, a public authority must, in the exercise of its functions, have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In considering this report, Members must consider whether the decision will or could have a differential impact on: racial groups; gender; people with disabilities; people of a particular sexual orientation; people due to their age; people due to their religious belief.

An Equality Impact Assessment has not been undertaken in respect of this report and this is because it is not considered that there will be an adverse impact arising from changing the cycle of elections held by the Council. However, if a decision is taken to change the cycle of elections, an Equality Impact Assessment will be conducted to help inform the implementation of this decision.

**7.4 Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None

**8. Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- No Stone Unturned in Pursuit of Growth. Lord Heseltine. 2012 (recommendation 14)  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/34648/12-1213-no-stone-untuned-in-pursuit-of-growth.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/34648/12-1213-no-stone-untuned-in-pursuit-of-growth.pdf)
- The Local Government Boundary Commission for England – Electoral Reviews, Technical Guidance April 2014  
[https://www.lgbce.org.uk/\\_data/assets/pdf\\_file/0006/10410/technical-guidance-2014.pdf](https://www.lgbce.org.uk/_data/assets/pdf_file/0006/10410/technical-guidance-2014.pdf)

**9. Appendices to the report**

- Appendix 1 – Excerpt of the minutes of the Corporate Overview and Scrutiny Committee – 20 March 2014
- Appendix 2 – Motion submitted by Councillor Hebb to the meeting of Full Council on 22 October 2014
- Appendix 3 – Excerpt of the minutes of the meeting of Full Council, 22 October 2014.
- Appendix 4 – Boundary Analysis 2015
- Appendix 5 – Stages for a Requested Electoral Review

**Report Author:**

Elaine Sheridan

Electoral Services Manager

Legal Services, Democratic and Electoral Services