

ELECTION CYCLE CHANGE PROPOSAL

Audit and Governance Committee 25 July 2022: Appendix A



1. BACKGROUND

A report was presented to Council on 21 March 2022, which sought the Council's endorsement to carry out a public consultation and to engage with residents across the city on the issue of moving from the current electoral cycle of elections 'by thirds' to whole council elections. The report proposed that the consultation and engagement activity would be carried out between June and August 2022.

The report specifically recommended;

1. That Council resolves to undertake a public engagement consultation using its powers under Section 116 of the Local Government Act 2003 between June and August 2022 on the issue of moving from the current electoral cycle of elections to 'whole council' elections once every four years.
2. That Council delegates to the Audit and Governance Committee approval of the planned implementation of the consultation, in particular who will be consulted/engaged with and how.

Following the Council debate, it was resolved that this matter would be deferred, in full, for further discussion at the next Audit and Governance Committee, and that the Committee would make a recommendation back to Council as to whether the Council should move to consult and engage residents and stakeholders on this matter, and if so to advise Council on when and how this will happen.

The briefing to support the recommendation made to Council on 21 March 2022, is attached in Appendix A and remains unchanged for the purpose of supporting and framing this discussion.

2. PURPOSE

This report provides further information to assist the Committee in their decision and approach in taking this matter forward. Further guidance and support will be provided in regard to the planning and running of the consultation, engagement and communication activity if it is determined that such an exercise should be carried out.

3. DECISION TO CONSULT

As stated in the Council Briefing dated 21 March 2022, legislation requires the Council to take reasonable steps to engage and/or consult with those it thinks appropriate on any potential change to the electoral cycle. This will include, but is not limited to –

- the general public/electorate
- serving Councillors
- Members of Parliament
- key city partners
- businesses

It is for the Council to decide on what constitutes 'reasonable steps'. This would not be a referendum, but will require a robust and far reaching approach. For information Appendix B provides a table of consultation activity and information from other local authorities who have also undertaken this exercise and used the information to help determine their local election cycle.

3.1 Key Considerations

It is for the Audit and Governance Committee to use the information provided and discuss the merits or otherwise of consulting on a change to the electoral cycle. If the decision is taken to move forward, it will be for the Committee to then decide when they wish to undertake this public consultation.

The consultation could take place as soon as practicably possible or be scheduled for later this year or early 2023. The decision could alternatively be to delay and commit to carrying out a public consultation in line with an electoral review by the Local Government Boundary Commission for England – this review is yet to be scheduled but is likely to be in 2024/25.

Once the decision is made to carry out a public consultation, the approach will need to be planned and agreed upon by the Committee. It would be advised that a robust but moderate approach to consultation, which is proportionate to the cost, is considered by the Committee, such as conducting an online poll or survey, and supplemented by targeted stakeholder and community engagement activity.

The table in Appendix B demonstrates the varying levels of engagement and interest in this topic – and for the most part clearly shows a poor response rate given the promotional activity set out. Plymouth City Council has a good track record of generating high response rates for its consultation and engagement activities, and there would be an expectation that this exercise would yield over 2000 responses when supported by proactive and far reaching communications.

Having a high level of response will provide confidence and reassurance in the decision making process, however it is important to note that the results and views gathered from any consultation and engagement activity does not in any way bind the authority to seeking a resolution to amend the election cycle. The results of any activity conducted are advisory in nature, and do not commit the Council or any other entity to a particular course of action. They do however, provide clear evidence of the public views on the matter being put before them.

The communication approach will be key to not only ensuring that the consultation receives a good level response, but that respondents understand what they are being asked to 'vote' on. This means that residents need to be provided with clear, unbiased, and accurate information to allow them to make an informed decision. Regardless of the format of the consultation and engagement, this exercise will require extensive communication to ensure stakeholders understand:

- What the proposal would mean to them
- The rationale for the proposed change and the pros and cons
- The process required for making the change
- How they can give their views

To ensure as many people as possible are informed of the proposed changes and given an opportunity to give their views, it is estimated that a communication campaign would be required to run for a minimum of eight weeks. This would include a lead-in communication time (i.e. to warm people up) and the consultation and engagement itself. There would be an additional period for feeding back the results.

A full communications plan will need to be developed once the decision has been taken to move this forward and the preferred method/s of consultation and engagement has been agreed. However, table 1 below sets out the potential methods for communicating with residents and stakeholders.

Depending on the consultation and communication approach determined and agreed by the Committee it is likely that a budget of around £15k to £20K would be needed to support this exercise.

Table I

Stakeholder	Potential communication methods
The general public / electorate	<ul style="list-style-type: none"> • Media releases and briefings • Paid for content in media e.g. Plymouth Chronicle • Email bulletins to residents subscribed to updates • Campaign on social media including paid for advertising and post promotion • Website content and Q&As • Explanatory videos promoted across all channels • Flyers / consultation material sent to every household in the city.
PCC Staff Communications	<ul style="list-style-type: none"> • Staff Room • Staff News • Tracey Team Talk • Team Plymouth
Elected members	<ul style="list-style-type: none"> • Briefings / workshops for groups / all members • Email communications and Q&As • Assets to help them share content
Partners	<ul style="list-style-type: none"> • Briefings e.g. to existing forums - One Plymouth, Chamber of Commerce etc. • Email letters to key partners • Staff comms in partner organisations • Assets to help them share content
MPs	<ul style="list-style-type: none"> • Briefings • Assets to help them share content

Appendix A

Electoral Cycles Briefing Report

1. Introduction

- 1.1. Plymouth City Council has operated its current electoral cycle of 'election by thirds' since 2003, before which a cycle of 'all out' elections every four years was in place.
- 1.2. The current administration has requested that the Council seeks feedback from the public and other city stakeholders as to whether the current electoral cycle best serves the Council and the city.
- 1.3. Legislative change introduced under the Local Government and Public Involvement in Health Act 2007 and amended by the Localism Act 2011 provided Local Authorities with the option of changing their electoral cycle.
- 1.4. This briefing sets out the policy, financial and legal context relating to local government electoral cycles and arrangements for consultation.
- 1.5. The Local Government Boundary Commission for England has informed the Council that it wishes to carry out an electoral review of Plymouth City Council. The process and implication of this are covered in section seven of this report.

2. Cycles of local government elections in England

- 2.1. Plymouth City Council has 57 Councillors and currently elects by thirds. This means that one third of the Councillors are elected to office in three years out of four, and in the fourth year there are no elections, which is known as a fallow year.
- 2.2. Election by halves is where half of the Councillors are elected every 2 years. Whole council (all out) elections are where all Councillors are elected to office once every four years.
- 2.3. Currently 333 councils in England hold all out elections. 103 councils elect by thirds. Seven (7) councils elect by halves.¹
- 2.4. Plymouth City Council is one of 16 out of 55 Unitary Authorities in England which elects by thirds. The remaining 39 hold all out elections every fourth year. No unitary authority holds elections by halves. Amongst metropolitan districts, 33 of 36 elect by thirds.
- 2.5. Of the 29 local authorities in the South West Region, 26 councils hold all out elections, two (2) by thirds and one (1) by halves.

3. Policy context and comparisons

- 3.1. The Electoral Commission, the independent body which oversees elections, recommended in its publication '[The cycle of local government elections' \(2004\)](#) that local authorities 'in England should hold whole council elections, with all councillors elected simultaneously, once every four years'.²

¹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/920186/Election_Timetable_in_England_2019.pdf (updated to take account of Derby City Council's recent adoption of all out elections).

²https://www.electoralcommission.org.uk/sites/default/files/electoral_commission_pdf_file/cycleoflocalelectfinal_11595-9056__E__N__S__W__.pdf

- 3.2. The Electoral Commission recommended a move back to whole council elections in order to provide “stronger local democracy”, “greater clarity” for the electorate and to encourage “greater understanding” of elections.
- 3.3. Various studies have been carried out on the impact of different electoral cycles on voter turnout in local elections in England. Because there are a number of other factors affecting turnout in any given year, such as combined local and parliamentary elections, it is difficult to draw strong conclusions. Research commissioned by the Electoral Commission shows that turnout is marginally greater among Councils who conduct all out elections than among those who elect by thirds, based on a comparison between districts, London Boroughs and metropolitan districts.
- 3.4. The table below sets out some of the advantages and disadvantages of each cycle. This includes learning from the Electoral Commission and research from other authorities who have reviewed their election cycle.

	Election by thirds	All out elections
Advantages	<ul style="list-style-type: none"> • Process known and understood. • More opportunities for voters. • Councillors and political parties held to account by voters more regularly • Local issues not confused with national issues. • Allows for gradual change at the Council • Can ensure that the political composition of authorities more accurately reflects the local political context. • Continuity of Councillors. 	<ul style="list-style-type: none"> • Electorate can vote on four-year manifestos and long-term commitments. • Clearer opportunity for the electorate to change the political composition of the Council • Significant cost savings. • Electors more likely to understand the election cycle. • Same electoral cycle as Police and Crime Commissioner and Combined Authority Mayoral elections which take place every four years. • Less elections may mean less election fatigue and voter apathy.
Dis-advantages	<ul style="list-style-type: none"> • Less stability – regular changes of political control can affect local businesses and Council services. • Confusing for the electorate as to which candidate is to be elected and what the process is. • It is difficult to see through major policy decisions, or large infrastructure or regeneration projects in a single year. • Difficult or unpopular decisions can be put off for future years, rather than taken when needed. • Constant year on year campaigning by Councillors and political parties may lead to voter fatigue and a lack of interest. 	<ul style="list-style-type: none"> • Risk that some electors will disengage. • Risk that such a change would be perceived as less democratic. • A large turnover of Councillors may lead to disruption, particular if the direction of the council is changed significantly. • Political complacency. • May lead to more by-elections taking place and an increase in costs. • Loss of experienced Councillors. • Less frequent elections could be detrimental to encouraging candidates to stand for election as the opportunity to serve on the Council will be less frequent.

4. Election Cycle Financial Implications

4.1. To continue with elections by thirds over a ten year period would cost an estimated £2.66 million. Should the Council to move to whole council elections by 2023 it is estimated that this would cost £1.26 million across a 10 year period and save £1.4 million.

4.2. It is important to note that were the Council to move to whole council elections, costs for each individual election will rise marginally. Additional costs could include:

- printing costs (ballots papers are likely to be longer);
- postal vote opening costs;
- costs at the count (no change for time spent on verification but longer time in sorting and counting of votes) to include additional counting assistants, count supervisors etc.

4.3. The estimated revenue cost of running a single all-out election is £420K.

4.4. The table below provides estimated costs under whole council and election by thirds cycles. It should be noted that the costs in these tables are estimates. Actual costs and savings may vary depending on the number of by-elections, general elections and Police and Crime Commissioner Elections.

Year	Election/s	All out elections every four years	Elections in thirds
2021	Local		
2022	Local		
2023	Local	£420,000	£380,000
2024	Local, Police & Crime Commissioner, UKPGE?	£0	£200,000
2025	Fallow Year	£0	£0
2026	Local	£0	£380,000
2027	Local	£420,000	£380,000
2028	Local, Police & Crime Commissioner	£0	£280,000
2029	UKPGE?	£0	£0
2030	Local	£0	£380,000
2031	Local	£420,000	£380,000
2032	Local, Police & Crime Commissioner	£0	£280,000
	Total Costs	£1,260,000	£2,660,000

5. Legal Context

5.1. Legislative change introduced under the Local Government and Public Involvement in Health Act 2007 and amended by the Localism Act 2011 provides Local Authorities with the option of changing their electoral cycle.

- 5.2. To move to whole council elections, the council must fulfil the requirements of sections 32 – 36 of the Local Government and Public Involvement in Health Act 2007 which relate to consultation and resolution of council.
- 5.3. This requires that the council must not pass any resolution to change its electoral cycle unless it has taken reasonable steps to consult such persons as it thinks appropriate on the proposed change; this is not further prescribed in legislation.

Consultation

- 5.4. The Council must take reasonable steps to engage/consult with those it thinks appropriate on any proposed change. This will include, but is not limited to –
- the general public / electorate
 - serving Councillors
 - Members of Parliament
 - key city partners

Public Opinion

- 5.5. Section 116 of the Local Government Act 2003 provides a specific power for local authorities to hold local “advisory polls”.
- 5.6. The result of a Section 116 poll is not binding on the council or any other entity. It is purely advisory. It does however provide clear evidence of the public views on the matter being put before them.
- 5.7. Proceeding with a public engagement/consultation does not in any way bind the authority to seeking a resolution to amend the election cycle.
- 5.8. Under Section 116 it is a Council function to determine who to engage/consult and how the engagement/consultation is to be conducted. The Council will need to agree:
- Whether a public engagement/consultation is required?

And if it is:

- the participant/s
- the question; and
- how the public engagement/consultation is to be conducted

6. Decision-Making Process

- 6.1. Following the engagement/consultation process, should councillors be minded to propose a change to the electoral cycle, an extraordinary meeting of the council would be called to consider a report and vote on a resolution.
- 6.2. The resolution must specify the year for the first ordinary elections of the council at which all councillors are to be elected. A two thirds majority would be required, to resolve to move to whole-Council elections.
- 6.3. If the resolution is passed, then the council must produce an explanatory document available for public inspection and give the Local Government Boundary Commission for England notice that it has passed the resolution.

- 6.4. There is then a detailed process for the implementation of the change to the electoral cycle that is detailed through the Act and related guidance.

7. Local Government Boundary Commission for England: Plymouth electoral review

- 7.1. The Council was informed in November 2021 that the Boundary Commission for England intends to undertake an electoral review in Plymouth. This is in line with its duties in law to carry out such a review 'from time to time'. The last review of this type in Plymouth was in 2001.
- 7.2. The purpose of an electoral review is to consider the number of councillors elected to the council, the names, number and boundaries of the wards and the number of councillors to be elected to each ward.
- 7.3. After the review, the Council will be required to have an 'all out' election, where every seat is contested. The Council has a choice as to whether the review is implemented by an 'all out' election in 2026 or 2027.
- 7.4. The law has changed since the last review took place with the result that, in Councils that elect by thirds, the Commission will seek to return a uniform pattern of three member wards rather than retain the option of two member wards that the Council currently has in Plympton and Drake.
- 7.5. If, before the electoral review starts, the Council resolves to change its electoral cycle to elect 'all out', the Commission will be able to retain a mixture of two and three member wards as currently is the case.
- 7.6. Based on the assumption that the Council opts for an electoral review that is implemented by an 'all out' election in May 2026, it must inform the Boundary Commission prior to December 2023 of any decision to change the electoral cycle. An indicative timetable for a review on this timescale is attached at Appendix C
- 7.7. In order to establish public opinion on the matter, and decide whether or not to put a potential change to the Council for consideration informed by consultation, an eight week consultation would ideally take place from mid-May 2023. This would allow for an eight week consultation period, and time to analyse results prior to a Council decision in November 2023 and avoiding a consultation period during the summer holiday season.

Appendix B – Case studies

Local Authority	Date	Activity	Response	Result	Decision
Harrogate Borough Council	6 week consultation Sept/Oct 2015	'Have Your Say' online Survey Hard copies upon request Consulted District Panel (850) Parish Councils notified Press release	51	16 were in favour of elections by thirds 32 were in favour of whole council elections 3 had no preference	At an Extraordinary meeting held on 18 November 2015, the Council resolved to change to whole Council elections from May 2018.
Slough Borough Council	6 week consultation Nov/Jan 2022	Online Survey Hard copies form delivered to every household	631	242 supported retaining election by thirds 389 favoured a move to whole council elections	At an Extraordinary meeting held on 18 January 2022, the Council resolved to change to whole Council elections from May 2023.
Worcester City Council	3 week consultation Jan/Feb 2022	Wrote to statutory organisations Consulted residents' panel Press releases, social media campaigns, Council's website.	328	121 – Retain current system of election by thirds 192 – Move to whole council elections 15 – D/K	At an Extraordinary meeting held on 22 February 2022, the Council resolved to adopt, from May 2024, whole Council elections.
Derby City Council	8 week consultation Jan/March 2020	Online Survey Hard copies upon request Council website Social media channels Sent out to networks and partner organisations	511	79 - Retain current system of election by thirds 419 - change to whole council elections 8 – No preference	At an Extraordinary meeting 19 January 2022, the Council resolved to move to four-yearly 'all council' elections, commencing with local elections to be held in 2023.