

Date of meeting: 21 November 2022

Title of Report: **Electoral Cycle Public Consultation**

Committee Chair: Councillor Andy Luggar

Lead Strategic Director: Giles Perritt (Assistant Chief Executive)

Author: Giles Perritt (Assistant Chief Executive)

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Your Reference: Electoral Cycle 2022

Key Decision: No

Confidentiality: Part I - Official

Purpose of Report

To seek the Council's endorsement of a public consultation using powers available under Section 116 of the Local Government Act 2003, between June and August 2023. This consultation will engage with stakeholders across the city on the issue of moving from the current electoral cycle of elections 'by thirds' to whole council elections.

The recommendations were unanimously approved by the Audit and Governance Committee on the 5 September 2022. The draft minute is provided at appendix A.

The use of powers under Section 116 of the Local Government Act 2003, does not in any way bind the authority to seeking a resolution to amend the election cycle. The result of any consultation or advisory poll conducted under the act is advisory in nature, and does not commit the council or any other entity to a particular course of action.

Recommendations and Reasons

The Audit and Governance Committee recommends to council that –

1. a public engagement consultation is undertaken using powers under Section 116 of the Local Government Act 2003 between June and August 2023 on the issue of moving from the current electoral cycle of elections to 'whole council' elections once every four years.
2. the Audit and Governance Committee oversees and agrees the design and implementation of the consultation, in particular who will be consulted/engaged with and how.
3. the council confirms that the Boundary Commission Review commences in December 2023 and is conducted across 2024/25 with resulting arrangements implemented in 2026.

Reason:

- To ensure that the Council's position on its intended elections cycle can be confirmed to the Local Government Boundary Commission for England prior to the commencement of the City Council's electoral review, subject to its commencement in December 2023.

- To better understand public and stakeholder views on either retaining the current arrangements of elections 'by thirds' taking place in three years out of four, or on moving to a cycle of 'all out' elections once every four years.
- Recommendation three ensures that City Councils election team will undertake its work in relation to the review in 2025 (a fallow year) and will not impact on the Local City and Police & Crime Commissioner Elections to be held in 2024.

Alternative options considered and rejected

To not undertake a public consultation. This would mean that the Council would not have the benefit of a formal record of public and stakeholder views about the Council's electoral arrangements to inform future consideration of the matter.

To undertake a public consultation commencing prior to the dates recommended. Decisions have not yet been made as to the scope and design of a public consultation, and the Council is not due to consider the matter until its September 2022 meeting, leaving a somewhat tight timescale for a full consultation, analysis and consideration of the results prior to local elections in May 2023.

Relevance to the Corporate Plan and/or the Plymouth Plan

The Corporate Plan commits the Council to engaging with and listening to our residents, businesses and communities. The Council's values include a commitment to Plymouth being a place where people can have their say about what is important to them, and where they are empowered to make change happen. The recommendations of this report seek to deliver these commitments in respect of a key element of the Council's democratic arrangements.

Implications for the Medium Term Financial Plan and Resource Implications:

The costs associated with a public consultation and analysis of the results, likely to be in the region of £26k will be met from within existing revenue resources.

Carbon Footprint (Environmental) Implications:

Subject to the decision of Council in June 2022, the consultation will take place largely on-line, reducing reliance on printed media, although paper copies will be available where necessary.

Other Implications: e.g. Health and Safety, Risk Management, Child Poverty:

** When considering these proposals members have a responsibility to ensure they give due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.*

An equalities impact assessment will be undertaken to ensure that the consultation will be carried out with due regard to facilitating participation by those with protected characteristics under the Equality Act 2010. Subject to the recommendations of this report being agreed, this would be considered by the Council in June 2022.

Appendices

**Add rows as required to box below*

Ref.	Title of Appendix	Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
		1	2	3	4	5	6	7
A	Draft Audit and Governance Committee Minute							

Background papers:

*Add rows as required to box below

Please list all unpublished, background papers relevant to the decision in the table below. Background papers are unpublished works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based.

Title of any background paper(s)	Exemption Paragraph Number (if applicable)						
	If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.						
	1	2	3	4	5	6	7

Sign off:

Fin	ba.21. 22.30 0	Leg	EJ/38 851/1 5.7.22	Mon Off		HR		Asset s		Strat Proc	
Originating Senior Leadership Team member: Giles Perritt (Assistant Chief Executive)											
Please confirm the Strategic Director(s) has agreed the report? Yes											
Date agreed: 11/11/2022											

Appendix A

Draft Audit and Governance Committee Minute 19 (5 September 2022)

Public consultation regarding the Council's electoral cycle

Giles Perritt (Assistant Chief Executive) presented the Public Consultation Regarding the Council's Electoral Cycle report.

It was highlighted that –

- a. the purpose of the report was to seek the Committee's endorsement of a public consultation using powers available under Section 116 of the Local Government Act 2003; the consultation would engage with stakeholders across the city on the issue of moving from the current electoral cycle of elections 'by thirds', to whole council elections;
- b. the recommendations contained within the report were purely regarding the public consultation as opposed to any decision as to if the current third system should be retained or changed; the Council would not be bound by the result of the consultation as it was advisory in nature;
- c. in order to add context, the Boundary Commission for England informed the Council they were to undertake an electoral review; this was a statutory process ending with an all-out election. Ordinarily reviews would be undertaken every five years however the Council's last review was undertaken in 2000;
- d. Plymouth City Council currently operated with an elections by thirds approach; for Councils to retain this system the number of Councillors in a ward must be divisible by three – the Council currently had three wards with only two Councillors therefore this did not meet requirements. If the Council was to opt for an all-out election approach then two Member wards could be retained;
- e. an additional proposal in the report, as a result of the discussion on this matter at the previous meeting, was that the Council would recommend an electoral review would result in elections in 2026, during a fallow year.

In response to questions it was reported that –

- f. it was difficult to estimate the impact of inflation and the finances surrounding this subject, however it was highlighted that if local elections coincided with a general election or a Police and Crime Commissioner election then the cost to the council for undertaking a local election was reduced by 50% as the Government took financial responsibility for those elections;
- g. the Council was not bound by the consultation results; the consultation was directed at Plymouth residents as well as local stakeholders and businesses however whilst the Council worked hard to maximise the response rate to previously advertised consultations, the rate of responses in other local authorities regarding the electoral cycle was very low. It was important that the Council demonstrated that the consultation results had been properly considered, however was not bound by it;
- h. the advantages and disadvantages table contained within the report on page nine of the agenda was taken from the Electoral Commission report (this was footnoted in the agenda). The type of information as well as the questions that formed part of the consultation, if agreed by Members, would be a matter for the committee to decide. It was accepted that the potential savings to the Council by moving to an all-out election approach, whilst referred to in the report as 'substantial', were an extremely small multiple of the Council's overall budget however were a significant part of the elections budget within the council;

- i. the Council had complete discretion over its election cycle; its only duty was to inform the Electoral Commission of its election cycle. Ward boundaries and the number of Councillors were the subject of a report produced by the Electoral Commission and laid before Parliament. The one condition set by the Electoral Commission specified that Councils that elected by thirds must have wards divisible by three;
- j. there was not a legal requirement for the Council to undertake the electoral cycle consultation however it was considered that if there was a challenge raised upon the Council's decision to either retain its current approach or move to all-out elections then evidence from the public consultation might be relied upon. It was highlighted that the decision might be more vulnerable to successful challenge if a consultation was not undertaken;
- k. Section 116 of the Local Government Act 2003 enabled Councils to design an appropriate approach to the consultation; the expenditure of the consultation would be dependent upon the means of undertaking, however a mindful approach would be appropriately considered when designed. The Chair did suggest the committee adopted a 'hands on' approach to consultation design and suggested setting up a working committee/sub-committee for this purpose;
- l. the consultation would be designed following a Council decision in December and the period of consultation carried out would be June to August 2023; there would be a period of analysis following that; it was acknowledged that the consultation could be advertised or sent out with the scheduled Council election paperwork – this would be considered;
- m. it was recommended that a new report was submitted to Council from the Audit and Governance Committee specifying that the committee were to be involved in the development of the material associated with the consultation, and that the report would detail issues raised by Members at the meeting, specifying concerns raised. It was offered that the previous 10 years' worth of data relating to election costs could also be provided in the report. This was offered in response to Councillor Evans OBE concerns that the basis in which the Council was consulting on the electoral cycle was based on incorrect data and misinformation. It was later acknowledged that a revised report would be sent to Council only providing information relevant to the recommendations contained within it.

Audit and Governance Committee recommends to Council that –

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- 2. the Audit and Governance Committee oversees and agrees the design and implementation of the consultation, in particular who will be consulted/engaged with and how;
- 3. the council confirms that the Boundary Commission Review commences in December 2023 and is conducted across 2024/25 with resulting arrangements implemented in 2026.