

Audit and Governance Committee

Monday 5 September 2022

PRESENT:

Councillor Luggar, in the Chair.
Councillor Lowry, Vice Chair.
Councillors Evans OBE, Finn and Tofan.

Independent Members: Mr Ian Shipperley (joined virtually) and Mrs Annette Benny.

Also in attendance: Giles Perritt (Assistant Chief Executive), Ross Jago (Head of Performance, Governance and Risk), Emma Jackman (Monitoring Officer) and Helen Rickman (Democratic Advisor).

The meeting started at 2.00 pm and finished at 3.05 pm.

Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

17. **Declarations of Interest**

There were no declarations of interest made by Members in accordance with the code of conduct.

18. **Chair's Urgent Business**

There were no items of Chair's Urgent Business.

19. **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 wasn't 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 promulgated 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 May to August 2024; 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 –

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.

20. **Exempt Business**

There were no items of exempt business.